

CALENDARS.

Instructions to Editors.

The Master of the Rolls desires to call the attention of the Editors of Calendars to the following considerations, with a view to secure uniformity of plan in the important works on which they are engaged :—

He is anxious to extend, as far as is consistent with proper economy and despatch, the utility of the Calendars of State Papers now publishing under his control : 1st. As the most efficient means of making the national archives accessible to all who are interested in historical inquiries ; 2nd. As the best justification of the liberality and munificence of the Government in throwing open these papers to the public, and providing proper catalogues of their contents at the national expense.

The greater number of the readers who will consult and value these works can have little or no opportunity of visiting the Public Record Office, in which these papers are deposited. The means for consulting the originals must necessarily be limited when readers live at a distance from the metropolis ; still more if they are residents of Scotland, Ireland, distant colonies, or foreign states. Even when such an opportunity does exist, the difficulty of mastering the original hands in which these papers are written will deter many readers from consulting them. Above all, their great variety and number must present formidable obstacles to literary inquirers, however able, sanguine, and energetic, when the information contained in them is not made accessible by satisfactory Calendars.

The Master of the Rolls considers that, without superseding the necessity of consulting the originals, every Editor ought to frame his Calendar in such a manner that it shall present, in as condensed a form as possible, a correct index of the contents of the papers described in it. He considers that the entries should be so minute as to enable the reader to discover not only the general contents of the originals, but also what *they do not* contain. If the information be not sufficiently precise, if facts and names be omitted or concealed under a vague and general description, the reader will be often misled, he will assume that where the abstracts are silent as to information to be found in the documents, such information does not exist ; or he will have to examine every original in detail, and thus one great purpose will have been lost for which these Calendars have been compiled.

As the documents are various, the Master of the Rolls considers that they will demand a corresponding mode of treatment. The following rules are to be observed :—

1st. All formal and official documents, such as letters of credence, warrants, grants, and the like, should be described as briefly as possible.

2nd. Letters and documents referring to one subject only should be catalogued as briefly as is consistent with correctness. But when they contain miscellaneous news, such a description should be given as will enable a reader to form an adequate notion of the variety of their contents.

3rd. Wherever a letter or paper is especially difficult to decipher, or the allusions more than ordinarily obscure, it will be advisable for the Editor to adhere, as closely as is consistent with brevity, to the text of the document. He is to do the same when it contains secret or very rare information.

4th. Where the Editor has deciphered letters in cipher, the decipher may be printed at full length. But when a contemporary or authorised decipher exists it will be sufficient to treat the cipher as an ordinary document.

5th. Striking peculiarities of expression, proverbs, manners, &c., are to be noticed.

6th. Original dates are to be given at the close of each entry, that the reader may know the exact evidence by which the marginal dates are determined.

7th. Where letters are endorsed by the receivers and the date of their delivery specified, these endorsements are to be recorded.

8th. The number of written pages of each document is to be specified, as a security for its integrity, and that readers may know what proportion the abstract bears to the original.

9th. The language of every document is to be specified. If, however, the greater part of the collection be in English, it will be sufficient to denote those only which are in a different tongue.

10th. Where documents have been printed, a reference should be given to the publication.

11th. Each series is to be chronological.

12th. The Prefaces of Editors, in explanation of documents in the volume, are not to exceed fifty pages, unless the written permission of the Master of the Rolls to the contrary be obtained.

* * * Editors employed in foreign archives are to transcribe at full length important and secret papers.

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CALENDAR
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[Vol. 197]
AMERICA AND WEST INDIES,
1701.

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CECIL HEADLAM, M.A.

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CORRIGENDA.

Page 49, line 13, *add*: and C.O. 137, 45. No. 1.

„ 103, line 15, *for* priate *read* pirate.

„ 202, line 35, *for* acocunted *read* accounted.

„ 413, line 27, *add in margin* Aug. 15.

„ 454, line 35, *for* Tieughsaghrondis *read* Tieughsaghrondio.

„ 477, line 25, *for* pp. 201-206 *read* pp. 268-277, *and see Addenda*.

„ 479, line 37, *read* Isle of Wight, Surrey and Charles City Counties.

„ 492, line 7, *for* forces *read* fences.

„ 492, line 31, *for* Clay *read* Bray.

„ 603, line 33, *for* houses *read* house.

PREFACE.

Preparations
for war.

The year 1701 was, before all else, a year of preparation for war. One of the first documents here recorded is Vice-Admiral Benbow's Report upon the defences of the West Indies, "and particular Jamaica" (4). A little later Mr. Randolph brought in a detailed account of the defenceless state of the Plantations. He draws the conclusions that the Proprietors should forthwith be required to send guns and ammunition to their Provinces, and that Lieutenant-Governors well skilled in military affairs should be appointed to Massachusetts Bay and New Hampshire (208). The Council of Trade made two representations reviewing the state of the Northern and Southern Colonies, with recommendations for their better security (16, 79.i.), in accordance with which the King gave instructions for Governors to send in more complete accounts of the fortifications of the Plantations, and for Proprietors to provide for the security of the Colonies under their jurisdiction (94).

Imperial
Defence.

The principle that it was "necessary that the Plantations be assisted and supported in their defence, which they will not be able otherwise to carry on," was clearly laid down and acted upon in the case of stores of war sent to Jamaica, etc., and money sent to New York (15, 463). But it was also maintained that the Colonies ought to defend themselves by their Militia, and by providing themselves with fortifications, powder and arms according to their ability, as well as by mutual aid in time of stress. A new scheme was drawn up, by which, in case of invasion of the frontiers, the neighbouring Continental Colonies were to send their quotas of assistance, in men or money, to New York (16.i.).

Besides this, since they were largely concerned in the security of the New York frontier, a contribution in cash towards the expense of fortifying it was to be recommended to the various Assemblies (16). The spirit in which this attempt at a concerted plan of Imperial defence was received is indicated by the unanimous resolution of the burgesses of Virginia (*p.* 424). "H.M. letter requiring this Colony to contribute towards the forts on the Northern frontiers of New York had been obtained by misrepresentations" made by the subjects of New York, merely to secure their Indian trade; . . . "we are not able to contribute the 900*l.*; . . . sending the quota of men will be prejudicial to H.M. interest at home and endanger the safety of this Colony." And towards the end of the year, Governor Nicholson, who had used his influence to the utmost with the Assembly, but in vain, was obliged to warn Lieut.-Governor Nanfan of New York that there was not "the least ground to depend upon having any assistance from hence of men" (961.ii.). The bad example of Virginia was eagerly followed by the other Colonies. In Maryland, Governor Blakiston had watched anxiously for the example of the Virginians, for, "if it should not be done in Virginia, I doubt it will make our Assembly here boggle, for they are glad to take hold of any example, when it is to save their money" (882). From Pennsylvania Penn, on the eve of his departure for England (961), wrote also to Nanfan, excusing his Assembly, "who could not be prevailed with to think of any supply for the Fort . . . our own low circumstances making up some excuse for them; and the negative of Virginia to their part will render it more difficult everywhere, considering the dignity of that Colony and the vigour of their Commander-in-Chief to pursue the advices from home" (961.iv.). The Assembly of Massachusetts Bay found themselves much impoverished, and considered that they lay more in danger of invasion than New York, and were equally unable to defend themselves without assistance (500). The reasons given were,

no doubt, not the only ones which actuated them. But the grounds of poverty and jealousy upon which the refusal is avowedly based are noteworthy. As John Nelson* had said some years before, the inhabitants of the various governments "in a manner esteem each other as foreigners." A union of the States was the last thing they wished for.

Pirates.

The check to the activity of pirates, recorded in 1700, was continued in 1701. Commissions for trying pirates in the Plantations, according to the recent Act "for the more effectual suppression of piracy,"† were issued in January, (71-78), and Governors were instructed to send accessories in cases of piracy home for trial (103*ff.*). Mr. Larkin, who was despatched with the Commissions referred to, as well as to settle the forms of proceeding in the various Colonies (330*ff.*) met, indeed, with a lukewarm reception. The expense of sending home accessories and evidence was serious and not easy of accomplishment. In Jamaica there was a general refusal to serve upon the Commission, the Act of Henry VIII. being regarded as sufficient, whilst there was an aversion to the trial of men's lives "by most voices," besides commercial considerations (486). In Boston, Larkin received the impression that he would have been more welcome had he brought an Act of Parliament for the encouragement of so beneficial a trade (945). There was news of half-a-dozen pirates hanged in Carolina, but because they were poor; four or five rich ones appeared publicly in Charlestown without being molested (*p.* 16). Giles Shelley met with equal impunity upon Change in London. At New York, with an Attorney-General who could be bribed at any time by ten pieces of eight, Bellomont felt unable to prosecute Thomas Clark, who had received some 10,000*l.* of Kidd's effects (*p.* 15). The gold, which Gillam the Pirate confessed to have hidden in Long Island

* Quoted by Doyle, *English in America, Middle Colonies*, p. 292.

† See *Calendar*, 1700, p. ix.

and which Penn hoped to find, was sought for in vain (82, *p.* 15). This confession, like Kidd's proffered discoveries, was possibly only an attempt to earn a pardon or an opportunity of escape. (*See* Preface, *Calendar*, 1699, 1700.) In March a further Proclamation by the King was issued for the apprehension and conviction of pirates, promising pardon to those who should surrender before the end of June, the notorious Henry Every being excepted (183, 205). The Proclamation does not appear to have had much effect (945), but in spite of any disinclination that might be evinced in the Colonies to deal rigorously with piracy, Mr. Larkin reports at the end of the year, "I have not met with any person that hath seen a pirate a considerable time," except one three months before, near Providence (1131).

Lord Bellomont and the vacating Act of New York.

In the beginning of the year Bellomont made his reply to what he terms the "frothy memorial" of the New York Opposition, and throws further light upon the matter of Col. Fletcher's grants (3). He reiterates his disappointment at the delay in confirming the Act for vacating them (*see* Preface, 1700), a delay which put a stop to all his measures:—"If the Vacating Act had been approved, I believe the General Assembly would have broke all the rest of the extravagant grants" (*p.* 6). As it was, he could do nothing more without the confirmation of that Act, or without fresh orders and money to start the soldiers upon his scheme for working tar (3, *p.* 34). He feared that the Council of Trade had lost mettle, since they had not procured the approval of the Act (*p.* 16); the Council, however, wrote in April to explain that it was not their fault (378). They had previously been obliged to announce to him—in a letter which, mercifully, can hardly have reached New York whilst he was alive—that the *Fortune*, which, upon his own responsibility, he had despatched to England laden with specimens of timber for Naval purposes (*see Calendar*, 1700), had been cast away upon the

Bellomont's Projects.

Naval Stores.

coast of Cornwall. The Council of Trade express a hope that the Governor's enthusiasm will not have led him to engage his credit and to exceed his instructions in sending masts for England (*pp.* 74, 180). He had, however, already raised a large sum on his own credit to pay for the masts which had been cut in pursuance of the advantageous bargain he had made with the Mohawks, etc. (38.ii., iii., *pp.* 6, 7. *Preface*, 1700, *p.* xviii.).

It is noticeable that, after Bellomont's death, the New York Assembly expressed their warm appreciation of this bargain, and of his efforts to secure for the Province the trade of furnishing the Navy with masts and timber, "of which the said Earl was the first contriver and proposer" (*p.* 168. See *Preface*, 1700, *p.* xvii.).

Negotiations
with the
Indians,

The second of the "three very useful designs" which, as he says, he had "on the carpet" (*p.* 34), was to persuade the Onnagongues, or Eastern Indians, to settle at Schackhook in friendship with the Five Nations. In 38.vi. Capt. Schuyler reports that he has induced the Schackhook, or River Indians, to invite them to do so. Bellomont's third design was to engage the Dowaganhas, Twichtwichts and Dienondades in a trade with the English, a plan which would quickly checkmate all French endeavours and projects whether on the Mississipi, in Canada or Nova Scotia (*pp.* 36, 234). For this purpose he echoes the demand of the Indians themselves that the beaver-trade should be encouraged, beavers having almost gone out of use in England, "since Carolina hatts have been so much, and beaver hatts so little in fashion" (*pp.* 34, 35).

Death of
Lord Bello-
mont.

On the first day of May* news reached the Council of Trade that Bellomont had died in New York on March 5th (392). Nothing could have been more unfortunate than the loss of that energetic and honest administrator at

* Doyle, *England in America, Puritan Colonies*, Vol. II, speaks of the "death of Bellomont in July, 1701."

this moment. In a pathetic letter to Mr. Secretary Vernon, the Countess of Bellomont bears witness that he "wore out his spirits and put an end to his life by the fatigue he hourly underwent" for the King's service, and also "to the distressed condition of our family, who are made lower by this Government, which was given as a mark of H.M. favour (769)."

Governors'
Salaries.

The generous enthusiasm, indeed, which had led Bellomont to finance the despatch of naval stores, and to advance the money for the payment of the soldiers' wages, combined with the delay in the payment of the "presents" voted him by his Government, had left him in circumstances so straitened that his very funeral expenses had to be met by private credit (210, 212).

Nothing, indeed, could be more unsatisfactory from an administrative point of view. Whilst an unscrupulous Governor, like Fletcher or Trott, could, by indirect means, compile a fortune in a brief space of time, an honest one, and more especially one who did not court popularity, was likely to find himself out of pocket as the reward for his labours. "My salary is not the fourth part of my expense" writes Codrington from the Leeward Islands, "But in respect of Governors who come abroad to make their fortunes, Acts of Trade, Instructions and all your Lordships' wise and good orders to them are *verba et præterea nihil*" (784). "Whilst Governors are dependent on their Assemblies," he says elsewhere (26), "the Acts of Trade will never be observed. . . . If you knew who were the leading men in the several Assemblies you would be convinced that Governors ought to have better salaries, and not [be] permitted to take any presents from the people. Whilst they do, there will be illegal indulgences in point of trade, justice will be bought and sold; Chancery suits protracted, and the poor oppressed" (*cf.* 112).

The Acts of Trade, indeed, in the hands of unprincipled Governors, could be used as an instrument of blackmail, and as a means of supplementing an inadequate income, and were so used frequently and notoriously (259). Codrington himself, whilst refusing all presents, public and private, found his Government both a charge and a trouble; "all the advantages of it don't pay for the very wine the masters of ships drink, who come to report to me. I live with all the frugality I can, and yet I find my charges will come to abundance more than my advantages" (*p.* 328). The experience of the Governor of Barbados was much the same: "Your Lordships may easily judge whether the King's allowance will maintain a publick table here, when beef and mutton has been all this year at 12*d.* a pound . . . with all other things in proportion" (856).

The Council of Trade were sensible of the drawbacks of a system by which Governors received a small salary from the King and were dependent for the remainder of their income upon the favour of the Assemblies. They recognised the justice of Bellomont's complaints on that score, and represented to the King that the salaries of Governors should be fixed, "to prevent the inconvenience and clamour of presents" (*p.* 181). The receiving of presents rendered Governors "precarious and dependent on the people," and they should therefore be ordered not to receive them. In order to support the dignity of the Government, the salaries of some of them should be increased. This Representation (383) was read in Council, but no order was made upon it (384). But when Col. Dudley was appointed Governor of the Massachusetts Bay, directions were inserted, at his request, in his Instructions, that he was to dispose the Assembly to settle a salary upon the Governor (575). The Colonial Assemblies, however, were not likely to consent very readily to deprive themselves of the control of the purse-strings and the influence they might thus exert over their Governors.

New York
after Bello-
mont's
death.

At the time of Bellomont's death the Lieutenant-Governor, Nanfan, was unfortunately absent upon private business at Barbados. The four available members of the Council, Weaver the Collector, appointed by Bellomont in January (*p.* 97), Staats, Walters and Depeyster, immediately met. They found no money in the Treasury and no provision for the payment and subsistence of the soldiers at Albany, etc. (210, 212, 212.iv.).

The Council, then, found themselves in the same predicament as Bellomont had been in, and were obliged to pledge their private credit in order to provide the weekly payment of the soldiers, on pain of the instant desertion of the garrisons (230, *pp.* 126, 282, 291). Even so, there was a wholesale desertion of the soldiery, who had not yet heard that Bellomont had succeeded in obtaining for them 20 out of 30 per cent. of the money which had been hitherto deducted from their pay (41, 42, 296, 389, *pp.* 147, 191).

Party strife
in the
Council,

Expresses had been at once despatched to summon the other three members of Council, Col. Smith, Col. Schuyler and Robert Livingstone, who all lived at a distance and all belonged to the Anti-Leislerite party (212). At the moment of his death, Bellomont had been preparing for their removal from the Council (*p.* 35) in pursuance of the policy of repressing the Anti-Leislerite and Fletcherian party, in which he had already made so much progress.* They now made the most of their opportunity, and the flames of faction broke out with great violence. On the one hand, the four Leislerite members, led with much heat by Weaver (400, *pp.* 190, 191) seem to have determined upon carrying out the policy of eliminating Smith, Schuyler and Livingstone from the Council and from power (*p.* 187); on the other hand, these three members endeavoured to prevent any action being taken either by the Council or

* Cf. Doyle, *Middle Colonies*, p. 324, etc., "the lack of official documents during this period" which he laments, is now in large measure supplied.

the Assembly, insisting that, in the absence of Governor and Lieutenant-Governor, the right of veto and the power of summoning and adjourning the Council or Assembly were vested in Col. Smith, as the eldest, and therefore presiding Councillor, and that without his consent they could not sit or act (389). These claims were put forward by Col. Smith when he appeared at the Council-board on March 13 (248). The Leislerite majority, however, resolved that "the powers and preeminences of the President" amounted to nothing more than the mere presiding at the Council Table, and that all Acts of Administration were to be passed by the majority of the Council, and the Government was to be administered in the name of the Council. Otherwise, the Administration would practically be vested solely in the President. The Council resolved to meet when the majority deemed it necessary, and to proceed in the Administration without Col. Smith, if he did not choose to preside in the sense that they interpreted presidency, *i.e.*, "only to sit at the upper end of the table" (248, 389.viii.). He consented to act so, under protest. Under protest, and before leaving New York on March 15 (248), he signed a Proclamation, upon which the majority had resolved, summoning the Assembly to meet according to Bellomont's prorogation, on April 2. He suggested, however, that the Assembly was *ipso facto* dissolved by the Governor's death, like a Parliament at the demise of the Crown, and also, that, if he had no veto, the Constitution was incomplete (*p.* 187). The Anti-Leislerites, indeed, maintained that there was no necessity for the Assembly to sit at all, but that their opponents were using the payment of the troops as an excuse to justify a session wherein they would have an opportunity of passing measures of revenge (436, *pp.* 187, 190). On March 21 Col. Schuyler and Robt. Livingstone arrived from Albany to take their share in this fight for the Administration. They refused to sit in Council unless it were summoned and presided over by Smith (276, 282, 389.iv., vii.).

The duel was continued when the Assembly met (296, 301), and reached its culmination when Col. Smith, who had returned to New York to preside at a full Council meeting on April 6th, refused to allow the major vote of the Council to be deemed an Act of Council, "whereupon the major part of the Council declared that they would proceed in no matters of business with Col. Smith till he consented thereto." He then left the Council-chamber, after declaring the Council adjourned (April 15th) (318, 337, 338, 389.ix.-xii.). In the Assembly the majority agreed with the four members (301, 400), and severely blamed Col. Smith for delaying their proceedings, "to the great hazard of the safety and peace of this Province" (338, 389.ix., xi.). They thanked the Council for subsisting the soldiers and gave directions for borrowing money in the future (351). The harmony of their proceedings was, however, disturbed, by five members of the Assembly who (April 16) presented a paper to the House in which they declared their opinion that by the Governor's death the Assembly was of course dissolved, and that there was no absolute necessity for it to sit (338, 389.xiii.). The author, Major Howell, was promptly expelled, and all concerned severely censured for disloyalty and insolence (351). Seven members had left the House, in protest, upon the day on which the paper was presented (*p.* 189).

The return of
Lieutenant-
Governor
Nanfan.

On the 19th April, Col. Smith being no longer in attendance, Livingstone withdrew from the Council, protesting that he could not act with them, in any matter relating to the Assembly, without the President. The four members then recommended the Assembly to adjourn till June, by which time the Lieutenant-Governor, it was hoped, would have arrived (*p.* 166). Nanfan, in fact, reached New York on May 19 (460), and, finding that the Representatives were hopelessly divided over the question of the legality of their sessions, dissolved them on the 1st of June and summoned a new Assembly to meet in August (494,

His Confer-
ence with
the Indians.

p. 287).* On hearing of the division in the Council of New York, the Council of Trade wrote confirming the view of the four members as to the devolution of Government, and exhorting Nanfan to allay party animosities (755). This, indeed, he did urge upon the new Assembly in his speech, when they met, Aug. 19 (753), and he persuaded them to continue the additional duty for defraying the charge of Government (758.vi., 827, 887). He was also able to announce that he had held a conference with the Five Nations at Albany, with the object of frustrating the designs of the French agents, M. de Marricourt and the Jesuit Bruyas (494, 758, 758.vii). He had confirmed them in their fidelity (887, 915), entertained Dekannissore at New York, and secured from the Indians a grant of a vast tract of land to the Crown, some 800 by 400 miles in extent, including all their beaver-hunting (758), and stretching from Lake Superior to Chicago and Detroit. A copy of the conveyance of this land, signed by the Sachims with their totem-marks, is given (758.ix.), and shows clearly enough that the grant was made by the Indians with the object of protecting themselves against the aggression of the French, who had recently made a move to build a fort at "Tieughsaghrondo, the principal pass that commands said land" (=Fort De Tret or Detroit). The Five Nations, in this deed, acknowledge William as their "great Lord and Master." News now reached New York of another French mission to Onnondage, bringing seven prisoners back from Canada. Captain Bleeker and David Schuyler were therefore dispatched post haste to Onnondage, "to hinder the French from deluding our Five Nations" (777). Their Journal upon this occasion shows that they were apparently successful in frustrating the design of the French mission, which was to induce the Five Nations to bind themselves to neutrality in case of war (915, 915.ix.). For at Onnondage the English

* His letter to the Council of Trade makes his attitude clear. Doyle says that he acted "probably on the analogy of a dissolution of Parliament following the demise of the Crown." *Middle Colonies*, p. 325.

Commissioners met Dekannissore and the Sachims of the Five Nations, as well as the French emissaries, who were obliged to repeat, in their presence, the propositions which the Governor had made to the Five Nations in Canada. He had proposed that they should all make peace with him, as some of them had done last year. He announced that he was building a fort at Tieughsagrandio, and exhorted them, in the event of a war between France and England, to remain neutral. Whereupon Dekannissore enquired whether the French Indians would remain neutral too? And so, evidently in some chagrin, "Monsieur Soukeur went his ways" (*p.* 560). The Indians then promised to have no Jesuits in their country, but would have no English ministers either for a while, for the rival Christian sects had made them "drunk with their noise of praying" (*p.* 560). But they promised to hold fast to their Covenant Chain (915.ix.).

Party strife
in the New
Assembly.

Neither Nanfan's exhortations nor the recent election had quenched the fire of party spirit in New York. The flames broke out over the election of Aldermen, "who had been sworn into offices by the new Mayor alone, contrary to the return of the City." This was rectified through the agency of the new Chief Justice, Atwood (1117, *p.* 711). Parties, indeed, seemed irreconcilable, except by a miracle (915, 962). The House consisted of 21 members, and when Abraham Gouverneur had been chosen Speaker by a majority of one over William Nicoll, steps to obtain a more decisive majority were taken by the Leislerites. The whole House presented Gouverneur as Speaker. They then proceeded as usual to consider objections to returns of members.

Protest and
expulsion of
the Anti-
Leislerites.

Two Members, William Nicoll and Major Wessels, Anti-Leislerites, who were said to be returned in defiance of a late Act of Assembly, were ordered to withdraw till their case had been considered. With the rest of the "English Party" (817, *pp.* 580, 706) who were anxious to prevent the continuing of the additional duty, they

thereupon challenged the Speaker's qualification. They had joined in presenting him, but it now occurred to them that he was a Dutchman born. This charge had already been considered and dismissed by the late Assembly (1117.iv.). The whole Anti-Leislerite party now left the House in protest. They were expelled the House, warrants for new writs of election issued (754, 774, 787), and the two candidates next on the poll were called up to take the places of Wessels and Nicoll. The Nicoll-Bayard party then, "after animating one another at a tavern," drew up an Address to the King. They profess the utmost loyalty, and accuse the party, with which Bellomont had identified himself, of "great partiality in appointment of officers, manifest corruption and injustice in all elections, . . . and intending by the Legislative power to divest many of their just rights and possessions and to share same amongst themselves, . . . with many other sinister, indirect and unjust proceedings . . . tending to render your Majesty's Government in these parts scandalous, vile and cheap in the eyes of your people. . . ." (1117.ii., *cf.* 226).

Protest of
three
members.

Three of the new members elected on the above-mentioned writs refused to sit until they were satisfied that the House was legally constituted. In a paper written, it is complained, in barbarous English, they challenge the proceedings of the Leislerite majority, require the Speaker "to clear himself from being an alian," and refer to the report that a Bill was being prepared "to deprive many of H.M. subjects from their native right of voting." (851, 858, 951). The Assembly declared the paper seditious and equivalent to a claim to govern the House. They expelled the three members and ordered the Attorney-General to prosecute them (858, 873, 886, *pp.* 580, 589).

On Oct. 13 three new members were returned, and they, too, presented a paper to the House, refusing to sit until they received an answer (944). The writ

from Suffolk County was returned unexecuted, with a letter from the Sheriff, representing the view of the Freeholders that the rejection of their chosen members was an infringement of their liberties (951). Atwood reports "a backwardness where I did not expect it" in prosecuting the authors (p. 589).

Chief Justice
Atwood.

Atwood was the Chief Justice from England, whose sending Bellomont had so long desired. After many delays in starting and a three months' voyage, he, with Broughton, the Attorney-General, had at length arrived in New York (344, 692, 788). The Council took the earliest opportunity of expressing the hope that the salaries of these officers, appointed by the Crown, should be paid by the Treasury (230).

The case of
Wake's ship.

Atwood at once settled the Court of Chancery, which was badly needed (p. 35, No. 738), and was soon involved in an Admiralty case of some interest. Two years previously John Wake's ship, the *Elizabeth and Katherine*, had been seized on arriving from England without a certificate of registration, and was released upon the Captain, Wake, giving his bond to produce a Register or to surrender the ship within a given date. This he failed to do, and on returning from a third voyage the ship was seized and informed against in the Admiralty Court. The Judge, however, discharged the seizure, "supposing that the Naval Officer had authority to compound, and that such a bond is a composition." Atwood moved to prohibit this discharge and to set the sentence of the Court of Admiralty aside at Common Law, and advised a special sitting of the Supreme Court to try the case (732, 738, 962.iv.). John Wake and the owners, however, in a petition for damages against Mr. Weaver (862) declare that the certificate of registration was produced in three months; that Weaver's seizure was prompted by an old grudge, and they complain of this action in the Supreme Court (896). The Council of Trade sent instructions to the Lieut.-Governor to take care that no sinister motives

of this kind should influence the proceedings, and they pronounced against any unfair stretching of the law in this case, the Commissioners of Customs being in favour of not exerting the utmost rigour of the law in cases where certificates of registration could not be immediately produced (928). Meantime the case was tried by C. J. Atwood, sitting as sole judge in the Supreme Court, who gave judgment for a prohibition as to the bond which the Admiralty Court had interpreted as a composition of a kind to discharge the forfeiture of the ship. The owners thereupon appealed to the King in Council (962).

Col.
Fletcher's
"debts."

In January Bellomont had seen reason to hope that the Commissioners of Accounts would succeed in making Col. Fletcher and some others appear responsible for "debts" enough to the Crown to go a good way towards providing the 40,000*l.* needed for the fortification of the Province (*p.* 7). He was instructed to provide the Treasury with proofs for a prosecution at home (*p.* 77). The Committee appointed at New York to examine the public accounts were met by the refusal of Mrs. Cortlandt to produce her late husband's accounts of the revenue (82). Mrs. Cortlandt was a sister-in-law of Col. Bayard and aunt of William Nicoll. Her refusal was suspected to be part of a plot to shield the guilty by embezzling the accounts, and thus putting a stop to the proceedings of the Committee of Enquiry. A warrant was therefore issued, and the accounts seized (179, 188, 276).

Robert
Livingstone
accused of
fraud.

In April the Committee reported that they found the accounts since Col. Slaughter's time to have been "mixed and confused"; they had traced some frauds in the revenue, and complained that Col. Peter Schuyler and Robert Livingstone would give no account of public moneys disbursed by them in past years. The latter, who had received the largest sums, they had occasion to believe guilty of the greatest frauds (351). His salary as Secretary of the Indian Affairs had already been withheld. He was now eager to go to England to remedy this and to make

good his claim for the money due to him for victualling the forces (114, 567, 771, 772.ii.). His services were utilised for conducting the conference held by Nanfan with the Indians in July (771). He availed himself of this opportunity to influence the Indians to express a strong desire that he should be sent to England to act as their agent with the Government. Doyle throws some doubt upon this intrigue with the Indians,* but the documents here given can hardly admit of two interpretations (758.viii., 857, etc.). When taxed with this offence by a joint committee of the two Houses, he refused to be put on his oath. Whereupon the Representatives petitioned the Lieutenant-Governor to suspend him from his office of Secretary for the Indian Affairs (867) pending application to the Crown for his removal. As he persisted in refusing to render his accounts, a Bill was passed to oblige him to do so, under pain of the confiscation of his property in order to make good whatever debts the Commissioners could charge him with (802, 803, 810, 851, 960).

Livingstone's
Survey of
affairs in
New York.

Whilst doubt is thus thrown upon Livingstone's integrity, there can be no doubt at all as to his ability. His survey of the affairs of New York, despatched to the Council of Trade after Bellomont's death, is a valuable document (436). He argues in favour of a forward policy of making Christian settlements, building English forts and securing the passes between the French and our Indians, in order to secure their safety and our trade. But this policy could not be carried out, as it had been ineffectively begun, by New York alone. It could only be achieved, if undertaken, as the general concern and charge of all the Provinces. The scattered planters of Virginia and Maryland were, indeed, nearly concerned in the defence of New York as a frontier against the Indians. To secure co-operation, a uniform system of government must be set up on the Continent. The Colonies should be re-divided into three Provinces, and the scheme of defence worked out by a

* *Middle Colonies*, p. 327.

Commission from them. The case of the soldiers who, in a country where prices were double those in England, were only paid sixpence a week more for their subsistence than a labouring man earned in a day, was very hard, and led to wholesale desertion. At present such deserters were lost to the Province. The soldiers should be recruited every two years with 200 youths from England, and at the end of every two years 200 should be disbanded and given land, with a view to settling the frontiers. By this means, too, the forts and frontiers would acquire a force who "understand wood-fighting." "Soldiers from Europe cannot fight in the woods here according to the manner of fighting in Europe." This was a lesson the English were to learn again in later days. Incidentally Livingstone gives a vivid picture of Indian warfare (*p.* 232).

The forts
at Albany,
Schenectady
and
Onnondage.

Livingstone represents the Indians as not at all desirous of a fort being built in the Onnondage country (*cf.* 887, and *p.* 435). He also explains that the attitude of Albany was to check any further settlements on the frontier and so to keep for itself the monopoly of the Indian trade. It was at any rate evident that so remote a fort as that proposed in the Onnondage country would be worse than useless unless the forts at Albany and Schenectady were in good repair (*p.* 622). 500*l.* out of the 2,000*l.* allowed by the King for repairing them had been ordered to be advanced to Bellomont in order that the work might be at once begun (53), and, for the continuance of it, money was voted by the Assembly out of the fund raised for building a fort at Onnondage (846, 910). To help in the fortifications, Col. Romer, who had long been detained in Massachusetts, arrived in December (*p.* 703).

The
Assembly
adjourned.
Jacob
Leisler's
petition.

The Assembly was adjourned on Oct. 18 till the following March. During the last week of the session they had taken into consideration the petition of Jacob Leisler, which had been recommended by the Crown to them as the only source of relief (910). The petition was for 2,700*l.* expended by his father during the Revolution.

A Committee of the House recommended that a tax should be raised to pay him 1,000*l.*, and to pay off the rest of the debts of the Government (924). A Bill was introduced accordingly, but it did not go beyond the first reading. For though no objection was raised to it, further consideration of it was postponed till the next session, the present one having reached its close (960).

The separation of the Governments.

The desirability of the presence of a Governor both at Boston and New York, had been one of the strongest reasons offered by some of the New York merchants for the separation of the two Governments (*p.* 181, and see *Calendar*, 1700, No. 151.i. etc.). On the other hand, the people of Massachusetts, with their Republican tendencies, were probably too well content to have an absentee Governor resident at New York, and thus to be left to manage their own affairs without control, whilst using his absence as an excuse for not voting his salary. These considerations had prevented Bellomont from making a prolonged stay at Albany, which, otherwise, he had felt to be desirable in order to stifle the factions there and to influence the Indians (*p.* 181).

Appointment of Lord Cornbury.

On his death the two Governments were divided, and Edward Hyde, Viscount Cornbury, was appointed Governor of New York, with the Vice-Admiralty and command of the Militia of Connecticut and the Jerseys (543, 582, 597). He was the grandson of that great Lord Clarendon, whose influence upon the course of Colonial history had, as the previous volumes of this *Calendar* have shown, been no less noteworthy than his influence upon British affairs. Lord Cornbury had been Member of Parliament for Wiltshire for ten years, 1685–1695. The Council of Trade were apparently not consulted in the choice of him. His first appearances in these pages are not prepossessing. In spite of increasing pressure from the Council of Trade, he did not leave at all this year for what Bellomont had described as “the growingest town in America.” (*p.* 8, Nos. 978, 1016, 1095). The Council of Trade, however,

if they did not succeed in despatching him to his Government, did prevent two moves on his part, which seem to threaten a revival of the Fletcher *régime*. The opportunity of making money by means of the subsistence and clothing of the four companies of soldiers at New York, immediately engrossed his attention (554, 1058). He claimed the off-reckonings which appear to have been due to Bellomont's agent (1,072). He professed to have entered into a contract for some clothing, and gave a receipt for the delivery of part of it. The evidence of those concerned and his own evasive answers pretty conclusively proved to the Board that this was a bogus transaction. The clothing had never been either bought or shipped (996, 1075, 1076, 1078, 1083, 1096). Thereupon the Agent for New York was instructed to provide it (1083, 1085).

Honan as
Cornbury's
Secretary.

In the course of interviews on this subject Daniel Honan appeared as Cornbury's secretary. The Board at once called Cornbury's attention to his evil record under Governor Fletcher, and left him little choice but to dismiss him (1083, 1092, 1101).

Cornbury's
Instructions.

In Cornbury's Instructions the directions sent to Bellomont in particular, or to the Governors in general, since Bellomont's appointment, were embodied (697). He was instructed to avoid "engaging himself in the parties," and measures of discipline and defence were especially commended to his charge. The friendship of the Five Nations and the River Indians was to be cultivated, and lands to be purchased from them; the monopolies of New York and Albany were to be secured, and the production of Naval Stores promoted with the utmost diligence (1029, 1030). In preparing these Instructions the Council of Trade consulted the Commissioners of Customs as to the insertion of further articles with a view to preventing irregularities in the Plantation Trade (639). They refer to the papers lately laid before them by Edward Randolph (259, 260), in which he proposes that Governors

should give bond in 2,000*l.* to put the Acts of Trade strictly in execution, and be forbidden to engage themselves in trade under penalty of losing their office. He also proposes a general enforcement of the Habeas Corpus Act throughout the Colonies, as well as other provisions for strengthening the hands of Custom House officials and securing the fair trial of seizures.

Massachu-
setts Bay.

Upon the death of Lord Bellomont, William Stoughton, the Lieutenant-Governor, wrote home to announce that the Province of the Massachusetts Bay, which had "been made easy by his prudent administration," remained quiet, but was in great alarm at the rumours of war, and in dread of a consequent attack by the French Indians on the frontiers. He begged that stores of war might be sent to animate the people to stand their ground (320, 321). Some steps had already been taken towards supplying the Militia with stores of war (191, 238, 254). The Assembly which met in April, discussed an Address to the King, praying for the appointment of Stoughton as Governor. The Council refused their concurrence, and the Assembly was then dissolved at the request of the Representatives (347).

The
Assembly
and the
Quota.

The new Assembly met at the end of May (485). Urgent orders had been sent from England in January directing the Government of the Massachusetts Bay not only to call upon the Province to contribute their quota of assistance to New York in case of need, and to assist New Hampshire in building and maintaining forts, but also, "being a numerous and wealthy Colony, enjoying great privileges by Charter," to see to its own defence, and especially to the fort at Pemaquid, which had been allowed to be so "shamefully taken and demolished by an inconsiderable number of French and Indians" (17, *p.* 22). And, at the end of June, 50 barrels of powder were ordered to be sent to the Colony in response to Stoughton's appeal, but with the proviso that this gift should not be drawn into precedent, "his Majesty expecting that for the

future the said Colony do provide for their security at their own expense" (594). In August the Council of Trade again wrote to the Lieutenant-Governor urging him to induce the Assembly to provide for their defence, "their neglect in that, as in some other things has been very great" (762). The Assembly undertook the fortification and defence of Salem and of Castle Island (394, *pp.* 266, 308). But as to the other requirements of the Crown, they professed themselves too impoverished, by their efforts in the recent war, to take any share in the concerted scheme of Imperial defence. In an Address to the King (1061.ii., iii.), after denying that there was any waste of timber in the Colony and belittling the importance of the surrendered fort at Pemaquid, they pleaded their inability to contribute to the charge of the New Hampshire Forts on these grounds of poverty, and also upon the ground of the more immediate need of fortifying Boston Bay. Their former aid to New Hampshire had cost them dear; and New Hampshire, they held, was as capable as Massachusetts Bay of bearing the burden of its own defence (500).

With regard to the quota of men and money to be contributed to New York, they represented that the length of their frontier would tax their slender resources to the uttermost. The French or Indians would attack Massachusetts from Canada by means of canoes down the rivers, not by way of Albany. And they conclude by begging for a further supply of stores of war and for protection by ships of greater force (1061.ii., iii.). But, whilst they were thus ready to stake their existence upon the power and good-will of England, Col. Romer, the King's Engineer, complains that his task of directing the fortification of Castle Island was rendered difficult by the touchy temper of an undisciplined and inexperienced people, with whom Jack was as good as his master, and who resented his calling these fortifications the fortifications of the King (952). The same attitude is indicated by

The New
Governor.

Mr. Larkin's report (945). The Colonists, he says, regarded the laws of England with abhorrence, and looked upon Acts of Parliament as obligatory only when the Province was particularly named therein. "They hate the very thought of a King or King by Government, and it is feared, if some care be not taken for asserting H.M. power and right here, they will in a short time set up a Government for themselves" (*p.* 576). There was, upon the death of Bellomont, a proposal to address the King "for a restoration of some of our former privileges, such as choosing a Governor" (586). After the death of Stoughton in July, the Council and Representatives came to loggerheads over the desirability of sending Wait Winthrop as Agent to present an Address to the King, with the result that the Court was prorogued to October and then to February (834, 933, 970). It was probably intended to recommend Winthrop for the vacant post of Governor. On receipt of the news that Col. Joseph Dudley had been appointed to that office (553), there was public talk of opposing his landing (945). These documents throw no light upon the reason of his appointment, but indicate that there was active opposition to it. An attempt was made to stop the passing of his Commission (1001, 1065). When his Instructions, as Governor of the Massachusetts Bay and New Hampshire, with the command of the Militia and the Vice-Admiralty of Rhode Island and the Narragansett Country (591, 592, 1066), were at length signed, they included directions to endeavour to secure the passing of an Act for settling a permanent salary upon the Governor and the building of a Governor's house. Care was to be taken to prevent the wasting of the woods, and an Act to that end was to be procured, if possible (*cf.* Nos. 11, 15, 48). The land was to be disposed of to the best advantage of the Province, and the quota for New York made good in case of need.

Admiralty
Court.

The administration of his Admiralty Commission by Mr. Atwood, the new Chief Justice of New York, soon

involved him in a controversy with the Government of Boston. The details of the case will be found on *pp.* 707-716. On the one hand, Atwood was a zealot for the laws of England and eager to put into the most rigorous execution those Acts of Trade, which were not only intensely unpopular at Boston, but also in their nature required judicious application. In the cases of the ships which gave rise to the present collision of authority, like that of Wake's ship referred to above, there was undoubtedly room for leniency. On the other hand, the Superior Court at Boston would be sufficiently prejudiced against an officer who was ready to expose publicly the argument of one of their clergy, who maintained that they were not bound in conscience to obey the laws of England, having no representatives there of their own choosing, and this prejudice would easily lead them so far as to allow of his being insulted in open Court by one Hern, who, whilst he was giving judgment in the Admiralty Court, appeared before him in his night-gown and with his shaved head uncovered. "There is scarce a merchant here but what is guilty of carrying on an illegal trade," Mr. Larkin reports, "and the Courts protect them in it" (*p.* 577). The same observer, however, notes a change that was being brought about by the education of Harvard. "Here is a great many young men educated at the College at Cambridge who differ much in their principles from their parents; and there is a great many people in the Narrigansetts Country that would willingly embrace the doctrine of the Church of England, but they want ministers" (*p.* 577).

Harvard
College.

A change took place in the presidency of Harvard College this year. Mr. Increase Mather having failed to comply with the stipulated residence at Cambridge (197, 254, 688, and *Calendar*, 1700, No. 633), Samuel Willard, the Vice-President, (*Calendar*, 1700, No. 618), was appointed President in his stead, after some negotiation (691, 834).

The friendship of the Eastern Indians was secured by a mission sent to Cascobay in May (394, 500, 1128). The

payment of the debts incurred by the country under Sir E. Andros was undertaken (254), and the care of the Records of the "late Colonies of the Massachusetts and New Plymouth, Province of Main and the County of Devon, now united into one Province" was not ignored (197).

Massachu-
setts and
Nova Scotia.

Meantime a new French Governor, M. Brouillan, had arrived in Accadie, who vigorously set about fortifying Port Royal, after demolishing the fort in St. John's River. The force which he brought with him caused some nervousness in Massachusetts (785, 952). Presently came a French officer with a letter for the Government of the Massachusetts Bay announcing the arrival of the new Governor of Accadie (779). Colonel Romer regarded this embassy as a new excuse for spying the coast and the approaches to Boston. He mentions a French spy who had been busy in that way for a year past. As we have seen (*Calendar*, 1700, *p.* 38,) the documents in this *Calendar* confirm the report as to Iberville's visit to New York, upon which some doubt has recently been cast (719, *p.* 239). In his letter to the Government of the Massachusetts Bay, M. Brouillan proposed a particular treaty of neutrality between the two Governments, in case of war between their sovereign Princes, in order to avoid "the havoc and cruelties of the Indians." He concluded with a startling claim: "I have orders to hinder, conformably to the Treaty of Ryswick, all English vessels from coming to fish in sight of the lands of this Province" (785.ii.). The Council replied that, as their new Governor was daily expected, they could not make any resolutions with regard to the proposed treaty of neutrality, but as to the fishery claim, they lost no time in pointing out that it was directly contrary to the 5th article of the Treaty quoted, "it having been the indubitable right and privilege of the English to fish in the high seas on that coast for time out of mind" (785.iii.). The French Governor's proposals were referred by the King to the Council of Trade, for their view of the matter, in November (1015). They had,

John Crown's
claim to
Penobscot.

earlier in the year, at length reported upon the repeated memorials of John Crown, and reported in his favour. They upheld his claim to the Propriety of Penobscot, which had been handed over to the French in execution of the Treaty of Breda, although not properly comprehended in that Treaty. And they pointed out that the petitioner had received no compensation for his loss (58).

New
Hampshire.

As Governor of New Hampshire, Col. Dudley's Instructions included directions to "reduce the salary of Members of Assembly to such a moderate proportion as may be no grievance to the Country." And endeavours were to be made to get an Act for the settling the salary of the Governor and an Act to prevent the wasting of the woods (1069). Earlier in the year the Council of Trade had recommended the removal of the Lieutenant-Governor, Partridge, on account of his persistence in promoting the timber trade with foreign countries, seeing that, "it is not fit any Governor of H.M. Plantations should be an ordinary trading merchant in any kind whatsoever" (p. 76). Mr. Randolph proposed that enquiry should be made into the case of the *Hopewell*, with a view to redressing the wrongs of Sampson Sheafe, the Deputy Collector (669.xv.).

Case of
Appeal.

On March 20 an important petition to the King from Samuel Allen, the claimant of the Proprietorship of New Hampshire, was referred to the Council of Trade for their report. A principle of great moment was involved. Certain of the inhabitants had refused to pay their quit-rents to Allen (*see Calendar*, 1700, pp. xxi., xxii.). He had brought an action (Aug., 1700) against Richard Waldron as a test case to try his right in the Superior Court of New Hampshire. The case was decided against him, and Allen appealed to the King in Council. The appeal was refused on the grounds that the matter nominally at issue in this action was not worth 300*l.* But since the real stake was the Proprietor's right to exact quit-rents at all, and his title to the whole Province, he now petitioned that his appeal might be admitted (271.i.). His petition was granted,

and he was admitted to appeal to the King in Council on giving security (365, 366). An Act was passed in September providing for a two-fold appeal in New Hampshire, first to the Supreme Court and the next to the Governor and Council (848).

In October, Mr. Larkin emphasised the defenceless condition of the Province, which was, however, ready enough to vote a sum of money "for laying before his Majesty the great grievances of this Province" (854, 945).

Maryland.
The Act for
Religion.

The new Act of Maryland "for the service of Almighty God and the establishment of Religion," which had been sent home in the previous year (*see Calendar, 1700, pp. liii., liv., etc.*) was reported on in January by the Attorney-General. He pointed out some loose phrasing which might be so interpreted as to interfere with the liberty of conscience of Dissenters (25). Further objections from the point of view of the Quakers were put forward by Edward Northey (40). Other objectors on their behalf asserted that during the last eight years this Act, or one like it, had been re-enacted in Maryland as often as it was repealed at home and that thereby some 30,000*l.* had been levied unduly (51). In No. 52 the Quakers controvert some of the arguments advanced in its favour by Dr. Bray, who had charge of the Bill. They protest chiefly against being taxed to maintain the Ministry of the Church of England. The Bill was considered with great care at an extraordinary meeting of the Council of Trade, at which the Lord President, Mr. Secretary Vernon, the Archbishop of Canterbury, the Bishop of London, Mr. Secretary Hedges and Dr. Bray attended and conferred (61, 83, 116). They recommended that the Bill should be repealed (147). It was accordingly ordered in Council that a new Bill be prepared and sent out to be passed at the next sitting of the Assembly, or before Christmas at latest, containing "such proper alterations as are agreeable to the toleration allowed here," but that meantime the present Act was to continue in

force, though not to be put too rigorously in execution (157, 175). After consultation with the Board of Trade and the Bishops, Dr. Bray brought in a draft of the new Bill (234, 328, 329, 370). The Quakers again protested against any Act of this kind, and against being compelled to maintain Ministers whom they did not hear. They also objected to the principle of a Bill for raising money being prepared in England and sent over with the King's command that it should be passed into an Act. They offered in detail further criticisms of this new Bill as being contrary to the laws of England and injurious to Dissenters (406). The objections of the Quakers were heard by the King in Council on June 5, and the draft of the new Bill was then ordered to be sent to Maryland and to be offered to the Assembly at their first sessions (508, 544.i., 1039).^{*} By the time it reached Maryland, the new Assembly (424) had met and adjourned. Nor did the Governor deem it desirable to convene the delegates again until the Spring, whether for the passing of this Act, or for dealing with the question of the quota for New York, the "two ill examples" of Virginia and Pennsylvania in that matter not rendering it advisable to summon the Assembly again at a season which would in itself be deemed a hardship (64, 1039, 1062). However, the Governor was able to report that the Militia were pretty well armed and trained, thanks in part to a law by which every indented servant, on the expiration of his time, was entitled to receive two barrels of corn and a gun (434, 809, *p.* 389). But the Militia needed better organisation and the shipping some defence by forts (689). As to the proposed trade with the Western Indians, the feeling of the country was not in favour of it, the murders recounted last year in Virginia having

State of
Defence.

^{*} Doyle's account of this Bill seems to attribute its final stage to 1700. *English in America, Maryland*, p. 436. "The Crown influenced, it is said by the representatives of the Maryland Quakers, remained firm and the veto was continued. At length in 1700 the Assembly, acting under the persuasion of Bray, withdrew the obnoxious clause and the measure passed."

It will be seen that Doyle's account is inadequate.

rendered the settlers on the frontiers nervous at the proximity of any Indians (477).

No. 314.ii. gives an abstract of the lists of the inhabitants of Maryland which Blakiston had sent in full to the Council of Trade. That Board, however, which had no thought for the convenience of future genealogists, was not grateful for "the names of every child and slave," and asked for mere totals in future instead of the complete census which Blakiston had sent (823).

The
Proprietors.

The year 1701 was in other respects a critical moment in the life of the Proprietary Governments. The disorders and misdemeanours which had long distinguished their administration had convinced statesmen at home that the time had come to resume them to the Crown. The problem of how to compel the Proprietary Governors to obtain the approbation of the King had been raised again by the Council of Trade (*Calendar*, 1700, No. 1035), and a clause in the new Act for punishing pirates had been intended, but was not inserted. In January the Attorney-General gave his opinion that a remedy could only be sought in some new Act of Parliament (2). A Bill was now introduced into the House of Lords* "for re-uniting to the Crown the Government of several Colonies in America." Counsel were heard at the Bar of the House at the end of April (377, 379, *p.* 180), instructed by the Council of Trade (422). But in June, Mr. Randolph announced that there was no probability of the Bill being passed that session (530).

The grounds upon which the Council of Trade recommended that the Charters should be reassumed to the Crown are given (286), and are such as these volumes have prepared us for. The Proprietary Governments are said to have in no way answered the chief design for which they were granted privileges; they have not conformed to the Acts of Trade; the Governors in most cases have

* Doyle, referring to this Bill, says that he cannot find it in the Journal of the House of Lords. *Pur. Col.* II, *p.* 441. The Bill, however, was read on April 24, and passed a second reading on May 23. See MSS. of House of Lords, New Series, Vol. IV. *pp.* 314*ff.*, and Journal of House of Lords, 1701, *pp.* 659*ff.*

not applied for H.M. approbation, nor taken the oaths required ; they have made laws repugnant to the laws of England, and refused to send them over ; have delayed Appeals and become the refuge of pirates and illegal traders ; they have traded with foreign parts ; they have undermined the trade and welfare of the other Plantations by raising and lowering the coinage from time to time (*c/*. *p.* 629) and by harbouring runaways, etc. The duty of self-defence had been largely neglected (286, *p.* 236.) (The defenceless state of the Proprieties is emphasised by Larkin's report (1054).) And a significant charge is added :—
 " These independent Colonies turn the course of Trade to the promoting and propagating woollen and other manufactures proper to England, instead of applying their thoughts and endeavours to the production of such commodities as are fit to be encouraged in those parts, according to the true design and intention of such settlements " (*p.* 142).

Governor
 Nicholson's
 suggestion.

It is noteworthy that Governor Nicholson, in his zeal for the King's service, which, he held, could never be rightly managed till all the Chartered and Proprietary Governments were resumed to the Crown, proposed that, if the Act for that purpose did not pass, the recent revolution in the Bahamas should be countenanced, " and then the like thing may happen in most of the other Proprietary and Charter Governments " (*p.* 637). Without prejudging the case of Governor Haskett, whose *dossier* is not completed in this volume, it may be said that Nicholson's suggestion was based upon a fact, for which we have seen abundant evidence in this Calendar, namely, that one of the chief weaknesses of Proprietary Governments was that they could not afford to defend their Provinces, nor could they enforce the authority of their Governors, or their own authority over their Governors. So Randolph points out that the misdemeanours of many of the Governors in such Provinces were attributable to the fact that the Proprietors provided no honourable maintenance for them,

and therefore no honest gentleman would go there to live on spoil and rapine. The Proprietors equally neglected the complaints of the inhabitants, who suffered from the oppression and extortion of hungry Governors (180).

As soon as it was evident that the Bill for reassuming the Proprieties to the Crown would not pass the House of Lords that session, Mr. Basse came forward with a proposal for the appointment of a Commission to enquire into the several forms of irregularities practised in the Proprieties (644). Whereupon the Council of Trade determined to instruct the King's Governors to collect and send over authentic proofs of such misdemeanours on the part of Proprietary Governors and Governments in their neighbourhood, with a view to supporting the Bill when introduced in the following session (645, 661, 661.i.).

Appeals.

Declining to admit Appeals to the King in Council was a humour that prevailed in the Proprieties and Charter Governments, so the Council of Trade remark, and the independency they thirsted after was notorious (*p.* 180). The Government of Connecticut, for instance, argued that there was no express reservation of Appeals to the Crown in their Charter, and they therefore refused the Appeal of the Hallams (*see Calendar*, 1700). The Law Officers of the Crown, however, gave their opinion that "Appeal doth lye to his Majesty in Council as a right inherent in the Crown, and, in case they refuse to allow the Appeal there, his Majesty may proceed to hear the merits of the cause upon an Appeal made to him in Council" (442). An Order of Council followed, admitting the Hallams' appeal, and directing the Governor and Company of Connecticut to send over authentic copies of the proceedings in that case (481, 533). Another point argued this year was whether an Appeal from the Court of Admiralty in the Leeward Islands lay to his Majesty in Council or to the High Court of Admiralty in England (908). Mr. Hodges, in the course of a campaign which he was conducting against the administration of justice in Barbados,

suggested several alterations in regard to Appeal, proposing, notably, an extension of the time within which the application for Appeal must be made, and that the sum, under which Appeal might not be allowed, should be reduced from 500*l.* to 300*l.*, as elsewhere. I have already referred to the case of Appeal from New Hampshire.

Connecticut
and
Rhode
Island.

The dispute as to the boundaries of Rhode Island and Connecticut, and the consequent controversy as to the Government of the Narragansett Country, dragged on, and seemed little nearer a determination (134, 869). All the grants for the Northern Colonies having been made before the country was well-known, Sir E. Andros pointed out (885), the boundaries often overlapped, and hence confusions of this kind arose.

Pirates and
the Proprietary
Governments.

The Proprietary Governments in general, as George Larkin bluntly puts it (1054), were a sort of receptacle for pirates and unlawful traders. And we hear of two of the pirates convicted along with Kidd returning to Pennsylvania to dig up in the woods the money they had buried there. They had apparently bought their release from Newgate and exchanged the prison air for the more congenial atmosphere of the Quaker Colony at a price of 300 guineas apiece (1054, *p.* 629).

"These fellows," writes George Larkin (1054), "have been hugged and caressed after a very strange manner by the religious people of those parts; no money to be seen amongst them now but Arabian Gold, and to demonstrate to your Lordships that pyrates are esteemed very honest men, the President of the Council of New Hampshire, Secretary of the Province, and Clerk of the Inferior Court, is going to marry his daughter to one of these villains."

William Penn, on the other hand, reported in July that all was in quiet and in health, and that "the country improves, not by piracy or forbidden trade, but by honest labour and sobriety" (219, 607).

William
Penn's
defence.

Penn's fortunes, no less than those of other Proprietors were involved in the course of the Bill for reassuming the

Proprietary Governments. In his answer to the Council of Trade's reports to the Houses of Parliament, he complains bitterly of injustice, answering one or two particulars, and accusing Col. Quarry and others of "blackening us to lay a foundation for greater advantages themselves." He has been "a King's Governor in all things but a salary." The whole of his own fortune, besides the liberties and first inducements to undertake so hazardous an enterprise, was struck at by the Bill (791).

Quaker
Intolerance.

The Quakers were little inclined to share the liberties they valued so highly with the Church of England, which here occupied the position of the Dissenters at home. From Philadelphia, in January, came a petition from the members of that Church, complaining that, though they were in a majority and eager to bear arms, the Government would not allow a Militia, but left them exposed to attacks from any public enemy, or from pirates or Indians, "the woful experience of which we have lately felt." Besides this a law had lately been brought in making it an act of sedition to write or speak against the Government, of which the Quakers would be the judges. And they complain, too, of a law to exclude Attornies from the Courts, except such as would "swaller and square themselves to the new modelled attestation" (101). Against the new law about marriages the Bishop of London entered a caveat in December, "for it will be impossible for any but Quakers to live where that Law shall prevail" (1124). Penn's legislation was further called in question upon another point. He had held an Assembly at Newcastle in Nov., 1700. It was now suggested that these Acts ought not to be passed, for Newcastle was situated in the "Three Lower Counties," and approval of the Acts might be interpreted as an acknowledgment of Penn's right to Government in the Delaware Territories, "which otherwise," the Council of Trade remark, "does not appear to belong to him." The form of these Acts also called for consideration, and the Law Officers of the Crown were invited to

consider whether "the style of these Acts do not exceed the powers granted to Mr. Penn, and whether such style be consistent with H.M. sovereignty" (975).

As the result of much negotiation with the Delaware and other Indians of those parts, Penn was able to announce in July that he had persuaded them to refer to him, and to the Governor of those Indians with whom they might have any quarrel, for the settlement of their differences (607). We shall hear more of this treaty, by which he secured to himself the monopoly of the Indian Trade.

Penn on
Trade.

"It is trade must make America valuable to England," Penn observed, and he proposed that the Council of Trade should encourage a correspondence with Governors upon the head of improvement, either by establishing new staples or advancing the old ones. He applied himself, with the aid of his Council, to devising means for making returns for goods imported from England. "We hope by rice, whale-oil and bone, and a cod-fishery, with what tobacco and furs and skins we make and get, to do something considerable in a few years" (219, *p.* 333). In this connection he draws attention to the want of money which impeded the circulation of trade throughout the Continent, "which has put Boston herself upon thinking of tickets to supply the want of coyn; and New York as well as this Province are following" (219).

Colonial
Currency.

The need of coin, and the varying value of it, which, as we have seen in former volumes, caused serious trouble in the Plantations, gave Maryland also some concern. The case is pointedly put by Blakiston (*p.* 261). The Assembly were eager to raise the value of their Lyon dollars, which stood at 4s. 6d., to the 5s. at which they were valued in Virginia, or the 6s. in Pennsylvania, in order to prevent them from being drained out of the country (*pp.* 247, 250, 261). They also introduced a scheme by which fees and taxes should be payable in money or tobacco, instead of in tobacco only (*p.* 230). The Council of Trade, however, pointed out the folly of raising the coinage, and instructed Blakiston to wait until the whole matter was dealt with at home (*p.* 409).

Disorders in
the Jerseys.

The state of affairs in East and West New Jersey had gone from bad to worse. In a memorial of Feb. 21, Mr. Basse represents the Eastern Province as being in a state of absolute anarchy, with not the shadow of Government remaining, a statement borne out by the report of the Anti-Leislerite section of the Council of New York (187, *p.* 192). Those who denied Col. Hamilton's authority now went so far (March 25) as to rescue one of Kidd's crew from the bar at Middletown, and forcibly seized and imprisoned the Governor, Justices and officers of the Court, alleging that they had no power to hold a Court (695.vii., *p.* 393). Shortly afterwards a new Commission arrived, issued by a small minority of the Proprietors of East New Jersey, appointing Capt. Andrew Bowne to be Governor. Hamilton, however, refused to be superseded unless that Commission were signed by two-thirds of the Proprietors, "as it ought to be" (695). The Council of East New Jersey, protesting that this appointment of Bowne was merely a device to get rid of all Governors, and thereby to lodge the Government in the people, recommended Hamilton's refusal, and entreated the Proprietors to end the dispute as to their right of Government forthwith (855.ii.). The Council and Assembly of West New Jersey also sent home a petition in favour of Hamilton, as against the riotous supporters of Basse, who in March had broken open the prison at Burlington (745.iv.).

In July came a petition against Hamilton from East Jersey, signed, Lewis Morris suggests, mainly by the Pro-Basse rioters (663, *p.* 392), praying for the appointment of a Governor approved by the King, or that the two Jerseys should be united into one Government under the Crown. At the same time a petition was received from a portion of the Representatives of West Jersey, who, "poor Issacers," as they term themselves, petitioned against the "rage and insolences" of the Quaker Party and Hamilton, and begged for a Governor under H.M. Commission. They complain that that party although numerically inferior,

had recently halved the number of Representatives, gained the elections by intrigue and misrepresentation, inflicted a prodigious tax upon the country in order to contest the claim of the Crown to the Government, and refused to recognise their opponents who had been returned as Representatives by the country which insisted on making up the old number of Representatives (651.i.,ii.).

Negotiations
for the
Proprietors' ^{surrender}
of their title.

At length this intolerable state of affairs approached a conclusion. In January the Council of Trade had been commanded to lay before the King a statement as to the cause and cure of the disorders in the two Jerseys (53). In October they reported, summarising the whole question and the history of those Provinces (916). They showed on what grounds they challenged the claim of the Proprietors to a right of Government, since it had been conveyed by the Duke of York, in 1680, through a grant of a power which was inalienable. The Proprietors had neglected their Government in the duty of defence and had allowed the country to fall into anarchy. The Council of Trade therefore recommended his Majesty to appoint a Governor with such Instructions as might be "necessary for the establishing a regular Constitution of Government by a Governor, Council and General Assembly, and for securing to the Proprietors and Inhabitants all their properties and civil rights" . . . together with provisions "to prevent the interfering of that Colony with the interest of H.M.'s other Plantations, as the Proprietary Governments in America have generally done" (916). The Council of Trade were accordingly ordered to consult with the Proprietors in the matter with a view to their surrender of their pretended right to Government (930). As has been already said (*Calendar*, 1700, p. xlvii), the preservation of their civil and commercial rights, rather than the "chargeable feather" of a title to govern, was the chief concern of the Proprietors. In August they had announced that they were ready to surrender their claim to the Government upon such terms as would secure their rights

The question
of a
Governor.

of property (745.i., ii., 855, 855.i.). They asked that Col. Hamilton should be approved until the terms of surrender should be arranged. The advice of the Proprietors was also taken in drawing up the Governor's Commission and Instructions and appointing a Council (1005, 1036, 1055). As to the Councillors, there was little difference of opinion, but the Proprietors showed themselves still sharply divided when the question of appointing a new Governor arose. Whilst Mr. Docwra and other Proprietors of East Jersey presented Andrew Bowne, or Major Ingoldsby, for Governor of the new Province of Nova Caesaria (1052), Sir Thomas Lane and other Proprietors of West Jersey presented Andrew Hamilton (1052). The opposition to the appointment of Col. Hamilton was vehemently expressed by Dockwra and Basse (904, 1082), "the Scotch Governor" being held up as responsible for all the disorders of the Province. He was defended by Lewis Morris, who gives a curious account of the previous appointment of Capt. Bowne, "hatcht privately in a corner by half a dozen Proprietors" (1135). Morris had taken an active part in disposing both sets of Proprietors to surrender their Governments to the Crown (663), so far at least showing himself in agreement with Basse (*p.* 394). Some documents, which he adduces to demonstrate the state of confusion into which the Provinces had been thrown by the appointment of Governors not properly constituted, give a lively picture of the riots of 1699-1701 (695.i.-vii.).

Virginia.

The
Assembly
and the
Quota.

Externally it was a year of peace and plenty for the Virginians (573). Internally, there was a prolonged duel between the Governor and the Assembly, the former vigorously combating the provincial ideas of the native-born settlers, whom he strove to make to think Imperially and to realise their danger of an attack by the French, the latter steadily refusing to endorse any of his schemes for their security or to contribute towards the concerted plan of defence (*p.* 631). Warning had come from the

Secretary of State that a French squadron under M. de Coetlogon was intended for the Spanish West Indies. It was imperative to take steps for the defence of the coast (613). The Assembly was summoned to meet on Aug. 6, and Governor Nicholson presently laid before them his proposals for the carrying out of the King's commands as to the quota, as well as several other suggestions for their consideration (702, 703, 794). They met most of them with a refusal on the score that the country could not afford them (*p.* 493). They were "all upon negatives" this sessions, Nicholson complains (*p.* 641). The country, they held, could not afford to build either a Governor's house or fortifications. Nor indeed would fortifications be of any avail. A naval force was the best defence, and that, too, was beyond their resources (874, 875, 893). On September 22 Nicholson warned them that war was imminent, and again proposed the purchase of arms and ammunition, offering himself to contribute 100*l.* for every 1,500*l.* they might raise. The burgesses thanked him for his zeal for the prosperity and defence of the Dominion, but resolved that there were arms and ammunition enough in Virginia. They decided, however, to pass a law providing for soldiers' pay in case of emergencies (882).

As to the demand for a quota, they determined upon an address to the King in reply, setting forth the history of the relations of Virginia with New York in that matter. It was, they declared, nothing more than a device on the part of New York for engrossing the Indian trade. Their own need of defence was greater than that of New York, and the New York frontier was no protection to them. The country was impoverished by the Customs and by such undertakings as the building of the Capitol, revising the laws and paying for pirates. They finally offered various reasons against detaching men from the country (748, 893, 1168). Nicholson did his utmost to combat their position and to modify their Address (1168). He returned again and again to the charge (901), pressing his

proposals and urging that their refusal would be an encouragement to the enemy and a blow to the fidelity of the Five Nations, as well as a bad example to the other Provinces. He proposed a levy of an export duty of 6*d.* per hhd. of tobacco, and an increased poll-tax in order to raise a fund for contributing the money to New York, buying arms and ammunition and paying the Agent. Towards this fund he offered to contribute generously himself (901, *p.* 542). The Assembly, however, maintained their attitude of *non possumus*, and professed themselves content to rely upon their present provision for security and the protection of God Almighty (*p.* 546). They further insisted upon appointing an Agent, William Byrd, jr., to represent their case with regard to the quota to the King, at a fee of 300*l.* (911). Nicholson indignantly pointed out that the expense of the long sitting of the Assembly and the Agent's fees were likely to cost more than the fulfilment of the King's commands, which they were refusing to obey upon the ground of poverty (858, 893, 911, *pp.* 631, 632, 1169). At the beginning of October we find the Council and Assembly still haggling over the payment of some items including the cost of some land in the Capitol purchased as a site for the Governor's House. These, the Assembly maintained, should be reckoned as incident charges of the Government, and paid, as such, out of H.M. Revenue. They rejected Nicholson's proposal to refer the point to the King, and he then refused to pass the Book of Claims, upon which the Levy Bill was to be based (852, 893, 901, 911, 1169). Before proroguing the Assembly, he signed three Bills, including one for "building the Capitol and prison." A fourth, "for quieting the possession of persons settled within the bounds of lands laid out for the Pamunkey Indians," he could not assent to, as being contrary to his instructions and the Treaty with the Indians (912).

The question
of Country
charges.

The building
of the
Capitol.

Meantime the settling of the Pamunkey and Chickahominy Indians on lands laid out for them and presented

to them was proceeded with (*pp.* 502, 503). The foundation of the Capitol had been laid in August. The brilliancy of the ceremony was eclipsed by the shadow of the approaching war (702). A few details as to its construction and as to the measures provided for its building are given (795, 799).

The popula-
tion of
Virginia.

More French Protestant refugees arrived in Virginia, and were provided for out of the relief fund contributed towards the settlers at Manakin Town (228). Some curious light is thrown upon the changing condition of the settlers (1042.v., *pp.* 641, 642).

State of
Defence.

Having failed to rouse the Assembly to a sense of the necessity for self-defence, and the Militia having been proved to be, though numerous, grievously inadequate both as to training and arms (913, *pp.* 631, 632, 635), Nicholson applied to the Home Government for a supply of arms and ammunition and also for a squadron to cruise upon the coast from April to October (*p.* 633). Warned by the experience of the previous war, steps were taken in good time to arrange that the homeward bound vessels should sail in one fleet under convoy (423, 1041). A coast-guard system was established in order to give notice of the approach of any sea-rovers (*pp.* 118, 218). When a new Secretary of the Province was appointed, the Council of Trade made a point of recommending that actual residence at Williamsburgh should be obligatory (1107). In the Spring a Thanksgiving Day was appointed for "the deliverance from the late great and raging plague of caterpillars" (*p.* 176), and in August a day of Fasting and Humiliation upon news of the threatened war (701).

The Council
of Trade.

This year, as in previous years, the documents as well as their own report to the House of Commons (243, 287), show that the Council of Trade maintained a high standard of diligence. But they complain that the non-payment of their salaries and of the office-expenses was interfering with the carrying on of their business, the unfortunate clerks being now one and a half years in arrears with their wages (45, 408).

Admiralty
Passes.

The question of Admiralty Passes for the protection of British shipping again crops up in connection with the projected treaty with the Emperor of Morocco, a potentate who is credited with being "as much to be depended upon as any other Prince in Barbary" (663). Passes, it was urged, would only be used by his subjects as a cloak to cover their violences, and Consuls, the necessary consequence of Passes, as pledges for their exactions. The Council of Trade, therefore, represented against the inclusion of that Article in the Treaty (926, 946, 954).

Colours of
Privateers.

The Admiralty having reported upon the evil effect resulting from merchantships in the West Indies wearing his Majesty's colours "under pretence of commissions granted to them by the Governors" (552.i.), the Council of Trade recommended that such ships should be required to wear distinguishing colours (629.i.). A "Jack with a white escutcheon in the middle" was accordingly appointed for them (682, 682.i.).

Endenized
Foreigners.

The Law Officers of the Crown were called upon to decide whether endenized foreigners might be masters of ships trading to the Plantations, and whether Scotchmen, who had no residence in England, were to be accounted English within the meaning of the Act. In both cases they gave their opinion in the affirmative (188, 390, 507).

Hudson's
Bay.

The critical matters at issue in Hudson's Bay were soon to be cast with other questions into the melting-pot of war. But during this year, in order to arrive, if possible, at some settlement with the French, the Board of Trade suggested a modification of the Company's attitude (60, 61). They therefore made some further proposals in amendment of their ultimatum of July, 1700 (111, *cf. Calendar*, 1700, No. 629).

Carolina.
The election
of Moore.

A Minute of Council of Carolina for Sept. 11 gives an account of the election of James Moore as Governor to succeed Blake, objection having been first raised to the election of the Landgraves Bellinger and Moreton on the grounds that they had accepted Commissions from the

King, as Judge and Deputy Judge in the Admiralty Court. This was regarded as a breach of trust to the Proprietors, who were declared to have the disposal of these offices (1042.xi.).* Soon after Moore had thus obtained the Governorship, an Act of Assembly was passed intended to destroy as far as possible the jurisdiction of the Admiralty (798), the people in general, according to Moreton, being very averse from a compliance with the Acts of Trade (798, 804, 1042.xi.(a)). During the trial of the *Cole and Bean*, says the same informant, no artifice was wanting to support the defendant and to discourage the informer. Nicholas Trott, the Attorney General, fell upon the latter in the street and struck him, crying out, "This is the informer, this is he that will ruin the country" (1042.xi.(a)). Enquiries were made of Mr. Thornborough about the new Carolina Act for raising the coin (660). But the illness of the Palatine, my Lord of Bathe,† seems to have put a stop to any attempts on the part of the Board of Trade to obtain information or redress on these or kindred subjects (776). Reports came to hand of considerable French settlements at the mouth of the Mississippi (719, *p.* 234), and preparations were made in Carolina for a raid on St. Augustine by land and water, should war break out (719).

Vice-Admiral
Benbow and
the defence
of the
West Indies.

At the beginning of the year Vice-Admiral Benbow sent in his report upon the defence of the West Indies, "and particularly Jamaica." He pointed out that Jamaica, like all the Windward Islands, except Barbados, was at the mercy of any boat's crew that chose to land and raid the undefended coast. "They will be plundered," he prophesies, "except soldiers be sent out of England and planted on the several islands, and some men of war to attend them and transport them as occasion may offer, for the inhabitants of all those parts are not sensible of their danger, nor willing to receive those who will protect them, so that their own safety must be forced upon them" (4). In

* This account amplifies Oldmixon, *ap.* Carroll, *Hist. South Carolina*, Vol. II., *pp.* 418*f.*

† He died Aug. 21, 1701.

Benbow
arrives in the
West Indies.

July two divisions of French war-ships were seen to be hovering off Jamaica ; in September, 26 sail were sighted off Martinique. The arrival of Benbow's fleet was anxiously awaited (814, 963, *p.* 381). He touched at Barbados in November, then sailed away, no one knew whither (997).*

Jamaica and
its defences.

Sir William Beeston took a more optimistic view than Benbow of Jamaica's powers of self-defence. He describes the inhabitants as a stout and martial people who lived with their arms in their hands and would be able to give a good account of any invading force, short of a royal fleet and army (*p.* 269). The fortifications of Port Royal were finished, Fort William " christened," and the fortifications of St. Jago de la Vega well advanced (963). The Militia was put in readiness, and a request for stores of war sent to England (*p.* 129).

The Assem-
bly and the
Revenue Act.

The Assembly met on June 24. The Revenue Act was running out, and it was necessary that it should be renewed (576, *p.* 129). Orders had been sent from home that this temporary Act was now to be made perpetual. If this were not done within a year, the threat was held out that the Act for Revenue of 1688, which had been passed without limitation of time, but not confirmed hitherto out of consideration for the objections raised as to the election of the Members of that Assembly, would receive the King's approbation (67, 68, 478.i.). The new Assembly, however, was not in the least inclined to make any Revenue Bills perpetual, and thus to lose control of supplies, and to do away with the necessity of being summoned (622, *p.* 129). On the contrary, they pressed for an account of the Bounty money (602), which had been granted at the time of the earthquake, and which, they hinted, had been misapplied (618). They were told in return it was no business of theirs (604). A fierce quarrel now broke out between the Governor and Council and the Assembly. An Order of Assembly, unobjectionable in itself, relating to the

* He anchored in the harbour of Port Royal, Jamaica, on Dec. 5. Clowes, *Royal Navy* II., 368.

quartering of the regiment which had recently arrived, was proclaimed by beat of drum, without the direction of the Governor. Next day the Governor and Council ordered the Marshall, who had published it, to take down this Proclamation, and committed him to custody (630, 664). The Assembly retorted by asking leave to summon the Marshall, who was also the Council's messenger, to answer to the House for his affront in pulling down their order. The Council replied that, so far from protecting their messenger, they had committed him to prison—for issuing the Proclamation without the Governor's leave. The next move of the Assembly was to resolve, in regard to the Bill for quartering soldiers, to give the officers money instead of quarters, and to levy this money upon the earthquake fund, of which they had already demanded an account in vain (642). This device gave them an excuse for summoning by Speaker's warrant five of the Council, who had been Commissioners of that fund, to lay their account before the House. The demand was not complied with, and, in response to a petition of the Representatives for these accounts, they received a severe reprimand from the Governor and Council for their assumption of unheard of powers both as to this use of the Speaker's warrant and the publishing of the Proclamation, in each case without the leave of the Governor and Council, as if the whole power of Government were in their hands and theirs only. The Council then brought in a Bill of their own for quartering the soldiers. The Assembly as promptly rejected it, and sent up one of their own. This Bill made the King's Revenue responsible for the quartering of the soldiers, and could not be allowed without admitting the Assembly's right to dispose of that Revenue. When their Bill was rejected, the Representatives were in a position to "insinuate to the people that they need not keep the soldiers." Beeston therefore put the island under martial law, in order to secure quarters for the soldiers (*p.* 380). Together with this Bill the Assembly

had sent up a private Bill, to which consent was refused, on purpose that the Statute Book might bear no record of so unprofitable a session. And the Assembly was hastily prorogued in order to prevent their completing an Address to the House of Commons, which they were preparing, "wholly leaving out his Majesty" (673, 674, 676). "It's the people grown rich and proud, and now would set up for themselves," says Beeston, and he chiefly blames Totterdale, an Irish lawyer with a grievance, as the great "Botefeuf" (firebrand) of the Assembly, "with two or three more Republican-minded men." Beeston then dissolved the Assembly, and Totterdale was shipped off to England, without a Governor's permit, in order to carry the Assembly's Address to the House of Commons. Beeston proposes that he should be clapped into gaol for his trouble, and, on receipt of this news in England, the Law Officers of the Crown were ordered to be consulted with a view to future proceedings. (676, 676.i.-iii., 1024). Elsewhere (749) Beeston deals more explicitly with the grievances of the Assembly. In one point he agrees with them, that Judges should not be of the Council, in order that an appeal to the Council might not be an appeal "from oneself to oneself." This is a difficulty which crops up frequently in the Plantations. His answer to another grievance, against himself, for receiving a commission on negroes exported to the Spaniards "contrary to the Peace," throws an exceedingly curious light upon the whole trade morality, internal and international, of the time.

Brigadier
Selwyn
appointed
Governor.

Whilst these squabbles were in progress, Brigadier William Selwyn was receiving his commission and instructions to relieve Beeston, who, after so many years of successfully piloting the island to prosperity, had the mortification of leaving it thus embroiled (638, 647.ii., p. 381). That Jamaica had recovered with marvellous rapidity from the French invasion and the earthquake of 1692, is shown by the testimony of Capt. Peers (814).

Selwyn's
Instructions.

Selwyn's Instructions, which comprised the directions given to former Governors and recent general orders, concluded with a strong injunction to enforce the Acts of Trade (*p.* 360). Appeals to the King were to be allowed in cases where over 500*l.* were at issue, with the usual proviso of time and security (*p.* 359). Selwyn made several suggestions for the defence of the island, including a demand for the garrisoning or demolition of the fort possessed by "one Sir James Castile, a Papist and a Spaniard" (666).^{*} Some stores of war were ordered to be sent out, but not to be distributed, except upon absolute necessity, unless paid for by the Assembly (667, 725, 770, 842). Selwyn sailed for his Government in August (773).

Barbados.

At the beginning of the year the Assembly of Barbados at length took steps to provide for the repair of the fortifications, and also to petition the King for a supply of great guns, to be paid for out of the 4½ per cent. (177, 178, 856, 1163. See *Calendar*, 1700, *p.* lvii.). Upon this petition the Council of Trade represented that the 4½ per cent. had now been assigned by Parliament to the use of the Royal Family, but they again pressed the claims of the Barbadians, on account of their zeal in the late war, as well as on account of the importance of the place, to be particularly considered in the matter of fortification and naval defence (220.i.). No order, however, was made on the subject this year (272).

Governor
Grey retires.

Governor Grey's succession to the peerage led to his retirement from Barbados in November (1185). His administration seems to have been popular, if we may judge from the generous presents and testimonials which were bestowed upon him (239, 789, 790, etc.). But the Council of Trade found cause to reprimand his slackness in correspondence (224). The Council and their President, upon whom the administration of affairs in Barbados

^{*} See *Rock Fort, Fort Castile, Fort Nugent*, by G. F. Judah, Kingston, 1906.

devolved after Grey's departure, were exercised by more than one matter of importance. In December a plot for a negro rising was discovered by a fisher-wife. The Assembly was hastily summoned (Dec. 28). Stringent precautions were taken to deal with any outbreak or incendiarism (1112, 1190, 1191). At the same time much distress was being caused by a prolonged drought. A "brief" was ordered for raising money for the relief of the poor (1191).

Benbow and
Barbados.

Vice-Admiral Benbow had appointed Capt. Kirkby, H.M.S. *Ruby*, to guard Barbados, and he presently sent in by him a French sloop, "to prevent intelligence" (1183, 1184). The Frenchman was allowed to proceed on his voyage. Soon afterwards there came a letter from the Governor of Martinique complaining of this breach of the peace, and demanding compensation for an alleged robbery by the English crew. This claim, the President and Council, whilst offering to do full justice to any claim advanced in the Courts, showed to be contrary to the evidence of the French captain himself (1192).

Complaints
as to the ad-
ministration
of Justice.

Mr. Hodges continued to complain of the delay in the administration of Justice in Barbados. Voluminous and somewhat reckless in his charges, he yet succeeds in showing that there was cause for his complaints and for those of Hawkins and Loder (8, 9, 64, 198, 209, *cf. Calendar*, 1700, *pp.* lv., lvi.). The Council of Trade wrote to Governor Grey in accordance with the Order of Council, Dec. 19, 1700, directing him to be more careful in the expediting of Justice (81), and they withheld their recommendation for the passing of the presents voted to him until they should receive his reply (237). Further orders were issued in March requiring him to answer the complaints of the several petitioners against delays and undue proceedings, to see that Justice was everywhere duly and speedily administered, and to hold Courts of Chancery until all the causes there were determined. Members of Council, it was added, were not to be exempted from prosecution

for debt, except during the sitting of Assembly (246.ii.). A general Instruction was presently issued to all Governors, as heads of Courts of Chancery, to take and administer oaths to do equal justice in those Courts (363). The answer of Governor Grey and the Council of Barbados was a denial, in general and particular, of the petitioners' charges. What delay there had been was due to an outbreak of fever (304, 319, 340, 510.ii.). A record of the proceedings of the Courts during Grey's government was sent over, which should prove a rich mine for the genealogists (372.i.-xv.). With the aid of these Journals, Mr. Hodges submitted the reply of the Governor and Council to a searching examination, and succeeded in showing that there had been considerable negligence in the holding of Courts and the despatch of legal business generally (876, 1027.i.-iv., 1031). Upon the whole matter, the Council of Trade represent that, whatever irregularities there might have been formerly, these had been remedied since the receipt of the reproof from home, Oct. 16, 1700, March 16, 1701. They now recommended that Grey should be allowed to receive the presents voted to him in 1699, 1700. But they take the opportunity of endorsing Hodges's recommendation that the whole system of presents to Governors were better abolished, "if a competent maintenance could otherwise be made." In dealing with this and other suggestions of the kind and attributing them to Mr. Hodges, they make it evident that the document printed *Calendar*, 1700, No. 751 was his work. It is practically identical with an anonymous pamphlet entitled "*Plantation Justice*," of which three copies of the second edition (1702) are to be found in the British Museum.* This pamphlet is referred to by Christopher Codrington, who had but recently arrived to take up his government in the Leeward Islands. The brisk and incisive letters of that accomplished soldier and scholar go far to compensate us for the loss of so racy and vigorous a despatch-writer as Bellomont. He proposes

"Plantation
Justice."

* Brit. Museum Press Mark, 1127, f. 18, etc.

to criticise the pamphlet in question, "which I am informed has made some noise at home." Meantime, he says, the fundamental difficulty calling for determination is, "how far and whether or noe Acts of Parliament as such are obligatory" in the Colonies (997, 997.ii.)—a point which, we have seen, was being raised in Massachusetts (945). Mr. Larkin's report (1103) confirms the general impression of the shortcomings of Plantation Justice as sketched in the Preface to the previous volume (*Calendar*, 1700, p. lv.). Col. Fox, in his report upon the Leeward Islands, refers to complaints of obstruction in the course of Justice by the frequent adjournment of the Courts (640). Influenced probably by Mr. Hodges and his pamphlet, the House of Commons in April ordered a return upon the administration of Justice in the Plantations (300).

Codrington's
administration in the
Leeward
Islands.

Honest and industrious, if somewhat high-handed, Christopher Codrington had no doubt as to his own merits and impartiality. At Nevis, it was declared, he did more justice in three weeks than had been done in thirty years before. "I have refused all presents, public and private (*cf.* 1132); I have defended the poor against the rich.... I have disobliged the busy and intriguing by a rigorous and impartial exaction of the Acts of Trade." But his attitude towards "some little animals who call themselves Lawyers, and talk to me sometimes of Pleas, Demurrers, Errors, and Exceptions, which I understand as little as they do," was likely to cause him some trouble, however excellent his decrees in equity (600). He endeavoured to establish a regularity and uniformity in the Courts of Justice throughout the Leeward Islands, but was baffled by the attitude of the Deputies from Antigua, who were unwilling to part with their Act, though, says Codrington, "the proceedings settled by it are very dilatory, and the manner of execution downright roguery" (1132).

Codrington
and
St. Kitts.

On arriving at St. Kitts, Codrington investigated the charges of violence and extortion preferred against Col. Norton (*Calendar*, 1700, p. lxi.) and found them fully

proved. That noble Governor, "fitter to be a Rapparee than a Governor," would condescend to plunder, even for a pound of soap (33, 34, 112). He was suspended, and on refusing to enter into recognisances to answer the charges brought against him, was committed to the custody of the Provost Marshal. Codrington's action in this matter was approved of at home (405, 418), and though a petition for appeal was put in, it was promptly dropped (1088.i., 1133).

Defence of
St. Kitts.

Col. Fox had reported that the Militia of the Leeward Islands was so ill disciplined and badly armed that none of the islands could hold out for long against an enemy (640). With a view to striking the first blow at St. Kitts, Codrington applied to Barbados for a loan of the frigate and 200 men. But here, as on the mainland, there seemed little prospect of concerted action. "The people of Barbados would give these Islands no assistance," says Codrington, and bitterly suggests that the loss of a sugar-island would even be regarded as a gain to Barbados. He blames Grey, and proposes that the two Governments should be united (744). Upon the receipt of this despatch, the Council of Trade wrote to Grey to remind him of his instructions to succour the Leeward Islands or other Plantations upon the application of the Governors, so far as he could (986). At St. Christophers Codrington found the English colonists ready to desert the island in a panic at the French preparations. The arrival of M. de Coetlogon's fleet still further increased their apprehensions, and another fleet under M. de Château-Renault was expected (515, 516). Codrington did what he could to restore confidence, and to put the island into as good a state of defence as possible "without men, arms or ammunition." There was not one single pound of powder in the whole island, the little there had been having been fired by Col. Norton, "when he and his Council and Assembly, after falling out, got drunk together and grew friends again" (401, 761). The French, on the other hand, were

extremely well armed and officered, and were entrenched and prepared at Basse Terre. The nations were ready to fly at each other's throats, and the island seemed likely to fall to whichever should first receive news of the war (401, 640, *p.* 468). But, in spite of their alarm, the English refused to concentrate, "the foolish faction between the Windward and Leeward side" promising, according to Codrington, to "give the French the same advantage they had the last two wars" (600). None the less Codrington returned a spirited answer to the French General and Intendant, when they proposed a Treaty of Neutrality (516). Later he wrote, "My will is made and my house set in order, and if I hear of war at midnight I shall visit M. des Gennes at break of day" (*p.* 603). The boast was to be gallantly fulfilled. The will mentioned was not the one which still benefits the College of Barbados and All Souls, Oxford. Meantime Codrington thought it better not to reside at St. Kitts, as the Council of Trade had recommended (581), in order that he might not have to put the people out of humour by stopping several irregularities, which in his absence he could wink at, and also because in the President of the Council he had "a very gallant but a very silly man, who deals better with M. des Gennes than any politician in Europe would do, for he confounds him with bad Latin and good Scotch, and debauches away his soldiers" (*p.* 604).

Land Tax.

With a view to strengthening St. Kitts, Codrington induced the Assembly to pass an Act of Settlement and a land-tax, which would oblige several to part with land which they had taken up but could not develop. "And so," he says, "I hope to provide for a great many 5 or 10 acre men, which is the true strength of these Colonies." So, too, he hoped to draw off many from Anguilla and Spanish Town, "where the people are perfect outlaws, and work together for the Danes and Dutch." These places were repositories for illegal trade with St. Thomas

and Curagoa, and Codrington could point to two or three "little scoundrels, who have got 10,000*l.* a man by it."

St. Kitts
and illegal
trade.

Indeed, the laziness, timidity or corruption of the Custom House Officers, combined with the determination of the people of all ranks to elude the Acts of Trade, made him almost despair of dealing with them (*pp.* 208, 603, 604).

St. Thomas
and
Tortola.

With regard to St. Thomas, the Danish Governor, in response to the caution which Codrington had been instructed to give him, answered that the King, his master, would give an account of his title to St. Thomas, and as to Tortola, it was a desert island, and free for anybody, he thought, to turtle at (784).

Codrington
and Mead.

Codrington left St. Kitts in order to hear an appeal by Mr. Mead, "the most detestable villain living," only to learn that he had left for London to make complaint there (600, 600.ii.). Mead had been exasperated by his being reduced in rank in the Council of St. Christophers (663). Codrington had now resolved to suspend him for shipping sugar from that island without a permit. He represented Mead as ruling Nevis "like any Bashaw," and says that it was only his presence in Court that gave President Burt courage to "pronounce against his Lord and Master" (600). Codrington, indeed, intervened in Court, insisting upon justice being done in a case which the influence and bribery of Mead had long delayed. Mead's business in London was to represent his view of the case, to make prejudice against Codrington (997.iii., 1133), and to apply for appeal. His case was the reverse of the medal; as tenant of certain plantations in Nevis he had been ejected, thanks to Governor Codrington's unwarrantable and high-handed interference with the judgment of the Court, exercised on behalf of a claimant from whom he intended, it was said, to purchase the plantations, if the claim proved successful. Application for an appeal to be heard by the Privy Council was also made in the case of a somewhat similar ejection from a plantation in

dispute in St. Kitts (1089.i., 1090.i.). Codrington's reply does not come to hand this year, but, in the general defence put forward on his behalf by his agent in the meanwhile, it is noticeable that he states that it was not contrary to practice for a Governor to sit on the Bench as Chief Judge, though the appeal lay to him and the Council (1130, 1134). Meanwhile Lieut.-Governor Elrington sent home from Nevis testimonials from the Council and Representatives as to Codrington's justice and impartiality (652.ii., iii.).

Antigua. The murder of a Major Martin by his slaves in Antigua draws a remarkable pronouncement from Codrington in eulogy of the Corramante negroes, with a comment upon the harsh treatment of their slaves by the Planters (1132). (*cf.* *p.* 693). The murder caused great alarm in that island, but "scarce a man could find a gun, and he that could had neither powder nor ball nor sword" (1132.ii.). Remembering the alarm of a negro rising in Barbados, this fact is more surprising than that Col. Jory, in defending some Acts of Nevis to which the Attorney-General had taken exception, should have called attention to the decrease in the number of whites, and the danger of the great preponderance of the negro population (707, 816, 919, 941, 1020).

Montserat. On the death of Thomas Delavall, Lieutenant-Governor of Montserat, Codrington appointed Col. Hodges to succeed him, in compliance with the request of the Council (44, 44.i.). Its population of Irish Papists gave reason to fear more danger to the safety of the island from within than from without. As to helping in an attack upon the French at St. Kitts, not three men could the Lieutenant-Governor prevail upon to enlist for that enterprise (743, 784, 784.ii.).

Revolution in the Bahamas. On his arrival at New Providence, Capt. Haskett, the new Governor, sent home a description of the island and its resources, and also of the inhabitants. Half of the latter, he says, were the offscourings of the other Plantations, who feared neither God nor King, and the other half mulattos, who made a living as wreckers. The

unpopularity of his administration of law and justice, and of his interference with the traffic with pirates, leads him to fear that he will be roasted alive, and he applies for some soldiers to protect him (655). In the light of succeeding events, his fears cannot be termed exaggerated (655). The right of the Admiralty to issue Commissions of Vice-Admiralty was jealously questioned by the supporters of the Proprietors, and the right of the Crown to the tenths of wrecks was disputed in particular, the Admiralty officers finding themselves in danger of their lives at the hands of Read Elding, the Deputy-Governor (685, 685.iii., 1042.ix. *See Calendar*, 1700, *p.* lxiv.).

The crisis came when the Courts were about to sit. For Read Elding, Ellis Lightwood, and other ringleaders in the rebellion, were to be tried for fraud and piracy (1042.viii., 1113, 1113.i.). "My justly and honestly putting the King's laws in execution were the cause that I very nearly escaped being executed myself," says Haskett, who, whether altogether immaculate or not himself, clearly had to deal with a very lawless and piratical crew. On pretence of visiting the Governor in order to clear himself, Read Elding led an armed rabble to the Governor's house, seized it and the fort, and threw the Governor into irons. Other officers of the Government, such as the Judge of the Admiralty Court, the Judge of the Court of Common Pleas, and the Secretary, were similarly treated. After narrowly escaping death, Haskett was finally forced on board a small ketch and carried off to New York. He managed to elude the vigilance of his captors so far that he saved some of his money which he had tied round his middle, whilst Thomas Walker, Judge of the Admiralty, succeeded in communicating with Governor Nicholson by a device which would adorn a romance. "On Oct. 17," says the master of a sloop, "Col. Walker at Nassau Town gave me half a bitt's worth of apples, which I put in my pocket. Upon my voyage to Virginia, going to eat one of the apples, cutting it with a knife, discovered some pinns in it, and

afterwards this paper, upon which, looking how it was put into the apple, found that the top of the apple had been cut off, the inside of the apple dug out, this paper put in, and the top of the apple pinned on again" (1042.viii.(d.)). Walker himself presently escaped to Virginia, after having "warily prevented" the Deputy Governor, Elding, from murdering him. There he craved the aid of a man-of-war to enforce respect to the Admiralty Commissions and the payment of the King's royalties, which the Council had voted should be paid to the Proprietors (964.ii.).

On reaching New York, some of those who accompanied Haskett were thrown into gaol on a charge of high treason preferred by him (*p.* 703). The day after the Governor was seized, the people met and elected Ellis Lightwood President (1042.viii.). In a previous letter to Governor Nicholson he had represented himself as a "true King's man," anxious to see the Bahamas under the immediate protection of the Crown, and loving not democracy (1042.x.(b.)), whilst in an address to the King and Parliament the Assembly had equally declared themselves Monarchy men, complained of the exactions of their unsalaried Governors, and their "Egyptian bondage," of the defenceless state of the island, and, incidentally, of any attempt to fortify it at the price of their own exertions; and of the sale of Hog Island and other lands by the Proprietors. They gave expression to a perfectly just fear of attack from the French and Spaniards, and craved to be purchased by the Crown and protected by H.M. ships of war (1042.x.(d.)). The Bahamas, in fact, represent the Proprietary system in its worst form, the Proprietors having neither funds nor force to defend the place or exercise authority (934, 1042.ix.,(c.)). Edward Randolph gives the white population of Providence as amounting to only 250 (208).

Bermuda.

On hearing of the Bill for reassuming the Proprieties, the Assembly of Bermuda petitioned that the Bahama Islands might be joined to their Government (1019).

The new Governor, Bennet, found two barrels of powder in the island, and the fortifications hopelessly out of repair (29, 57, 94, 137, 456). But under his direction the Assembly took steps for repairing them, and by the autumn, Bennet was able to report that trenches were made wherever a boat could land (550, 558, 847, 982). The Assembly, which met upon his arrival, after discussing the matters recommended to their consideration according to the Governor's instructions, exhorted him to regard the Excise Act as determined, which Governor Day, they said, taking advantage of an error by the Clerk, had held to be indefinite. The Council of Trade, however, supported Day's claim that the Revenue Act was not temporary (376, 525, 764).

Bennet found many complaints against the late Governor and his myrmidons. He suspended Edward Jones, the Sheriff and Provost Marshall, on the strength of an indictment by the Assembly for violence and extortion. Jones' methods of business are strikingly exposed (559, 578, 587, 797, 797.ii.). An examination of his accounts then took place (690, 718). Further evidence as to Governor Day's illegal and high-handed ways in connection with a petition for the suspension of Chief Justice Nelson, one of his creatures, is given (498, 657). Nelson was ordered to be prosecuted (672). A political skit, of little literary merit, is referred to as emanating from Day (947). It hints that knaves had been put into the places of honest men upon the Council and Judicature. Here, as in Barbados and Virginia, days of humiliation, for deprecating Divine judgments and threatened disasters, were appointed (578, 1163).

Newfound-
land.

The Planters
and the
Fisheries.

Mr. Larkin's report on Newfoundland, in contrast to those returned in previous years by the Commodores of the Convoy, draws attention to many abuses that were being carried on there, to the detriment of the Fishery, the Adventurers and the inhabitants. Great complaint is made against New England traders, who, besides indulging in illegal trade, debauched the fishermen with rum, and inveigled

them away with promises of high wages, "so that last year they carried away out of Conception Bay upwards of 500 men, some of which were headed up in casks" (756). Larkin's report is, on the whole, borne out by Commodore Graydon's report, who gives details of the progress of the French and English Fisheries. He had received instructions to be careful in his enquiries, the answers of former Commodores having been perfunctory and inaccurate. His report indicates a general atmosphere of lawlessness and debauchery, the Planters catching fish in the summer, spending the winter in drunkenness, and then finding themselves on the verge of starvation and at the mercy of the New England traders when they arrived with provisions. Nor did these annual reports disturb or interest them, "for nothing is redressed, and they reckon it a thing of course and no more" (879.xii., xiii.).

Condition
of the
Garrison.

The garrison at St. John's is described as half-armed and mostly shoeless (921, 938). We have seen something of the character of their officers (*Calendar*, 1700, p. lxiv.). The Council of Trade recommended the recall of Lieutenant Lilburne and his chief accuser (142, 182). Meantime the officers in command of the fort were playing queer pranks with the Chaplain who had been sent out there, and whose salary they objected to having stopped out of the regiment's pay (1181.i.). "They would force him to come into the Fort to officiate, and then threaten to shoot him the first time he comes" (906, 995.i.).

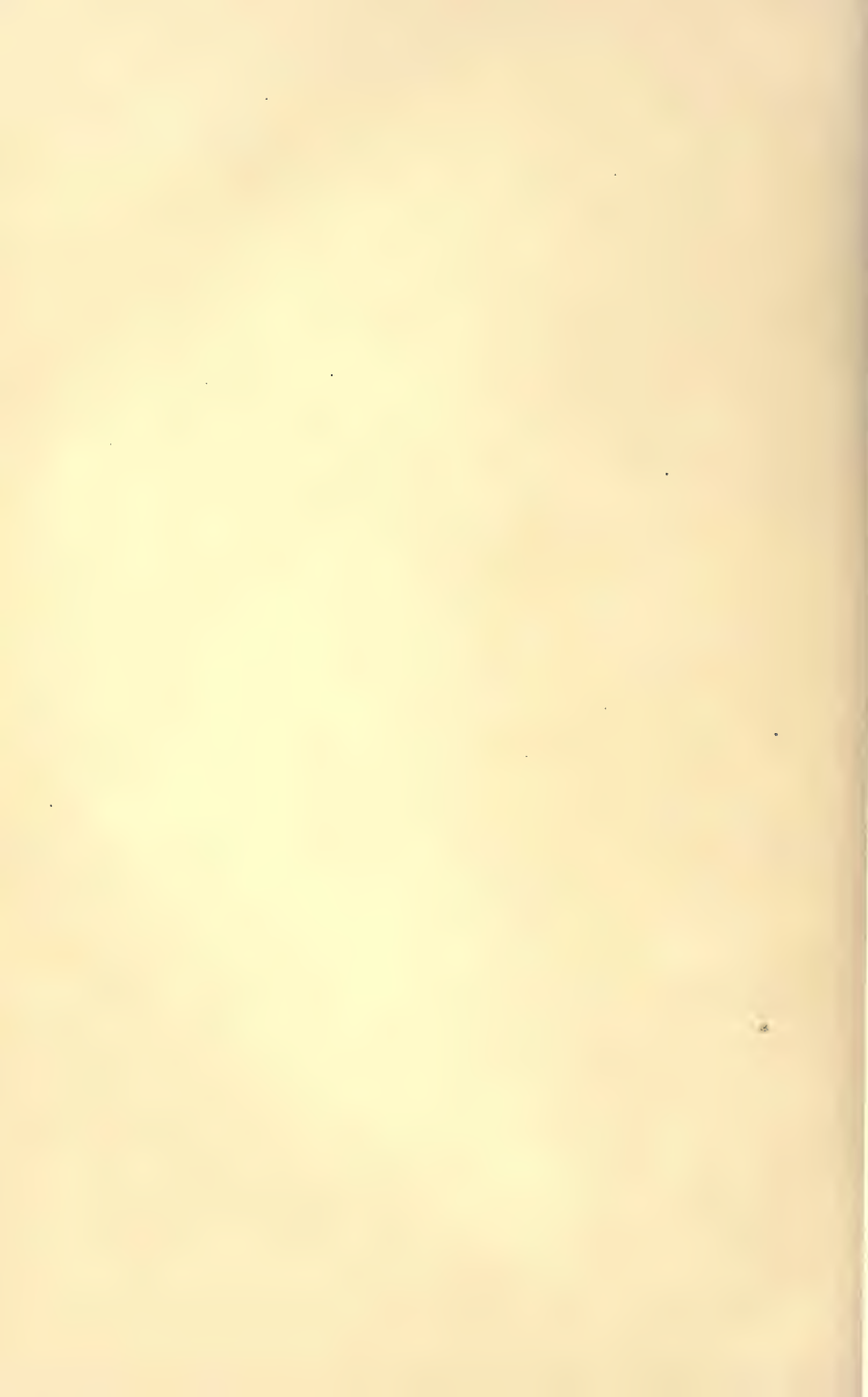
Miscellanea.

On p. 34 Bellomont makes earlier use of a Gallicism—"on the carpet"—than any recorded in the Oxford English Dictionary. So, too, William Penn, in writing "other Provinces cutt us out" makes an unexpectedly early use of that phrase. Adaman(*d*) Eve and Tristram Coffin are unlikely names. But the most curious word in this *Calendar* is on p. 246, where a reprieve is sought in Maryland "on account of the *corobeness* of the crime." The crime itself is not mentioned. Probably "corobeness" is a "port-

manteau word " like "slithy," and has arisen from the presence in the scribe's mind of the two ideas expressed by " the *commonness* of the crime of *robbery*."*

CECIL HEADLAM.

* I am indebted to Dr. Skeat for this ingenious explanation. I take this opportunity of expressing my thanks also to Mr. Hubert Hall, of the Public Record Office, whose great knowledge of our Archives has often helped me, like other students of Colonial History.



COLONIAL PAPERS.

1701.

1701.

Jan. 1.

1 Extract of a letter from Governor the Earl of Bellomont to William Popple. I sent Sir John Stanley my answers to 32 Articles which I discovered Brooks the late Collector carried to England above two years ago against me. The Merchants' Memorial which you mention, Sept. 20, is borrowed from those Articles. I have not possibly time now to make another answer than that, the Master being in great haste to sail.

Mr. Champantè writes that Sir Charles Hara had obtained an order to be paid for the cloaths of the 100 Recruits detached from his regiment, which is so great an abuse that 'tis as bad as picking our pockets to stop so much of our Offrecknings. The cloaths are worn out, and there would have been a new cloathing due to the detachment, May 1st next. I desire you will move the Council of Trade to defend me and the other Captains from so wrongful a deduction. If Mr. George Clark, who countersigns the Lords Justices' Order, had done fairly, he should have given notice to our Agent of Sir Charles Hara's pretension, but it seems the Agent knew nothing of the matter till he received the Order. One thing above all others makes Sir Charles' challenge upon our Offrecknings a palpable injustice, and that is the King's Order that three Companies of his Regiment should be broke, which had been broke whether we had them or no. This is a mere trick between Sir Charles and Mr. Clarke, and I will not submit to it, unless the King himself is pleased to decide it against me. *Endorsed*, Recd. 24th Feb., Read 14th March, 1709. *Copy*. 1 p. *Enclosed*,

1. i. Lords Justices to the Earl of Ranelagh, P.M.G., July 30, 1700. H.M. having directed that a detachment of 100 private soldiers etc. should be made out of the Royal Regiment of Fuzileers and sent with their cloathes and armes to New York to be incorporated into the four companys there, and Sir Charles Hara having represented that he had lately cloathed the regiment upon the credit of the offrecknings to the 1st May, we therefore direct that in the accompts of the Regiment you allow the compleat offrecknings of that detachment from April 24th, when they were discontinued, till May 1st. *Countersigned*, Geo. Clarke. *Same endorsement*. 1½ pp.
1. ii. Deposition of Lt. Gwyn, Serjt. Boulter and Serjt. Button. New York, Jan. 7, 1709. A complete outfit would have been due to the above-mentioned Regiment in May. It had been insufficiently mounted for some time past,

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and for six years had had no new accoutrements. *Signed*, Robert Gwyn, John Boulter, Thomas Button. *Same endorsement.* 1 p. [C.O. 5, 1046. Nos. 1, i.i., ii.; and (without enclosures) 5, 1118. pp. 218, 219.]

Jan. 2.

2. Attorney General to Mr. Popple. I never did make any report upon the Order of Council, Nov. 9, '99, mentioned in your letter Dec. 20, 1700, and the reason was that it was apprehended that the Proprietors of the Plantations could not be more effectually obliged to present the names of their Governors to His Majesty for his approbation, but by Act of Parliament, which was then intended to be endeavoured the last session, and to be provided for by some clause in the Act for punishing pirates, but was omitted, and therefore I humbly conceive it must be attempted this next Parliament to procure a remedy by some Act to be made for that purpose. *Signed*, Tho. Trevor. *Endorsed*, Reed. 13th, Read 14th Jan., 170^q. 1 p. [C.O. 5, 1260. No. 86; and 5, 1288. p. 410.]

Jan. 2.
New York.

3. Governor the Earl of Bellomont to the Council of Trade and Plantations. I did not think to trouble your Lordships with another letter this winter. But Mr. Weaver being newly arrived, after a passage of 13 weeks, and bringing me your Lordships' letter of Sept. 19th, it gives me a fresh occasion for writing. I send my reply to your observations on the Acts of Assembly of this Province, which I hope will give your Lordships satisfaction, and will induce you to report favourably of them to the King, especially those for Preventing vexatious suits, Indemnifying all such persons, etc. and Repealing an Act, etc. The Revenue had never been obtained by me, had it not been upon the consideration of those three Acts; and the rejecting them would be a great mortification and discouragement to those people who gave the Revenue (against the humour and endeavours of an adverse party) to shew their loyalty and affection to the King. I also look on myself as unkindly used, if those Acts be not approved at home. Your Lordships seemed to be of the same opinion with me in your letter of April 11th, and to have made the same discrimination of men and parties here.

Mr. Weaver assures me that Mr. Champantè had prepared an answer to Mr. Mountague's Memorial, Aug. 13th last, which you send me, and was to lay it before you, when he came away, so I will only trouble you with an answer to two or three points, on which Mr. Mountague builds his false deductions and wrong reasoning. He pretends to be commissioned by several hundreds of the gentlemen and other inhabitants of this Province to oppose some of the Acts of Assembly that we sent to England.

I cannot but call in question the truth of such Instrument, as he pretends was signed by several hundred persons in this Province, and sent to him to oppose those Acts. If there had been such a body of the inhabitants averse to the passing of those Acts, 'tis a wonder they petitioned not the General Assembly against them, while they were passing, which is always done where a body of

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people look on themselves like to be hurt by a Bill depending before the Assembly : but there was not the least struggle against the Bills, but by three of the Council, who were either concerned in the irregularities of the late Government or in the extravagant grants of land. I confess I have a jealousy, if such an Instrument was sent over to Mr. Mountague with some hundred names to it, that it was forg'd, and those names writ by a Club consisting in a few persons ; there are people in this town that are capable of such a slight. Mr. Mountague takes upon him to call the Assembly a pretended one, whereby he would insinuate that the Representatives were not fairly elected ; but I will put my reputation upon it, and all the fortune I have in the world, that there never was so fair elections of Representatives in this Province before : and I do not believe there was the least foul play or illegality used in any of the Elections. The only piece of management that I could hear was used, I acquainted you of, which was, that after the writs were out, the Sheriffs of this and the adjacent Counties agreed among themselves that the Elections in these Counties should be on one and the same day, which was a thing purely in the Sheriffs' power to do, and cannot be reckoned unfair. Mr. Mountague would make the commitment of Mr. Burt and Wilson a great offence, calling it arbitrary and illegal, and is so disingenuous as to charge it on me singly as my Act, tho' he knows very well it was done during the sessions of Assembly, and that the Council and I did it in our Legislative Capacity, wherein we had the concurrence of the House of Representatives ; and if I may believe Col. Smith and Mr. Graham, who are our Chief Judge and Attorney General, the Governor and Council have during the session in such cases a judicial power, like that of the House of Lords in England, and can hear and determine Civil Causes, not appealable to the King, and imprison the parties offending. If the proceeding against Burt and Wilson was extra-judicial, why then have we not an able Judge and Attorney General to sett us right and keep us to the strict rules of Law ? We acted by the best advice we could have here, and it was done to discover a fraud put upon the King in his Revenue of Excise.

As to the Act for vacating some of Col. Fletcher's extravagant grants of land, I doubt not but Mr. Champantè has before now answered Mr. Mountague's tedious, ill-digested arguments and objections to that Act, and therefore I will briefly observe only two or three of them, which he seems to fancy invincible. He affects to be thought witty in reflecting on Col. Heathcot's grant of part of the King's Garden, which, says he, is but 50 foot long, and yet is number'd among the extravagant lands : but by his favour, a grant may be extravagant as well in it's nature and quality as in its extent and quantity. For instance, I fancy it would pass for an extravagant grant, if the Crown granted away St. James's Park, no less than if New Forest or the Forest of Dean were granted away ; and it was much more impudent and unjust in Col. Fletcher to sell away that piece of the Garden to Heathcot, (which was robbing all succeeding Governours of their necessary conveniency in a garden) than the granting

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Mr. Dellius near 1,400,000 acres in one grant. I was offer'd a Gardiner that would have repair'd that Garden and put it in good order, and supplied my family with all Garden-stuffe gratis, if he might have had the overplus profits of the Garden to himself and a lease from three years to three years, which was a great offer, but I could do nothing in it, till the Vacating Act were approv'd by the King. The King's Farm too had been better applied to the use of the Governor, (and more justly so, because it was intended by the Crown for the Governour's Demesne) than to the Church: for Col. Fletcher might have found out another and more valuable Glebe for the Church, if he would have denied himself the sale of other lands, and consequently the pocketing the money he sold the lands for. As for the wrong which Mr. Mountague pretends would be done the grantees (because of their charges for improvements) if the Act should be confirmed by the King, I will easily answer that argument. Upon the best information I can find, there is not a Christian inhabitant on either of Mr. Dellius's grants, neither that whereof he was sole Grantee, nor t'other wherein Col. Schuyler and others were partners with him, vizt. the Mohacks' Land. The same thing I am inform'd of Col. Bayard's Grant, who by the way has part of the Mohack's land in his Grant. Capt. Evans's great grant of 40 miles by 30, has but one house on it, or rather a Hutt, where a poor man lives, and that Hutt built by one Capt. MacGregory, a Scotchman who was killed at the time of the Revolution here, and his widow said to be compelled by Col. Fletcher to sell her house and land to Capt. Evans for £30 or £35, to the ruin of herself and family. And to give your Lordships an account of the merit of Capt. Evans; when I was at Rhode Island, several complaints were made me of him, and some affidavits given me of his robbing ships and people on pretence of impressing seamen for the King's ship, in that Government, where he had nothing to do. Col. Nicholson, when he was here lately, told me that Evans went with the King's ship to Virginia, and there in the night stole a great number of hogsheads of tobacco, and the Custom thereof, and brought it away. He said he would complain of him home to England; it was truly a great misdemeanour to rob the King in his own ship. Mr. Livingston has on his great grant of 16 miles long and 24 broad but 4 or 5 cottagers, as I am told, men that live in vassallage under him and work for him, and are too poor to be farmers, having not wherewithal to buy cattle to stock a farm. Col. Courtland had also on his great grants 4 or 5 of those poor families, but in his case there is yet something worse than in any of the others; he had first one great grant of 20 miles square, which would not content him, but just upon my coming from England he obtained another grant of Fletcher of 20 miles square also, and in the Patent there is a privilege annexed, which in my opinion is cause enough alone for breaking his grant, that is, that after 20 years that Mannor (for both grants were erected into a Mannor) should choose and send a Representative to the General Assembly. There are two grants more in the Province that have that privilege in the Patents, which is very irregular

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and illegal in my apprehension. Old Frederick Phillips is said to have about 20 families of those poor people that work for him on his grant. I do not hear that his son, Col. Schuyler, Col. Beeckman or Col. Smith have any tenants on their grants; and I hear but of one that Mr. Nichols has on his great grant on Nassau Island, and he a Scotchman condemned in Scotland to be hanged with Jamison, Clerk of the Council in Col. Fletcher's time, for blasphemy and burning the Bible. Jamison, young Graham, and Honan, Fletcher's Secretary, have a grant of Fletcher of 300,000 acres, against which there are many complaints, and so there are against most of the other grants I have named, many people being violently stripped of their Lands by these grantees, supported by the favour of former Governours. 'Tis observable that most of the Grantees were of the Council in Fletcher's time, which is a great aggravation of their breach of trust, for they were obliged by their oath to advise and act in all things for the King's best interest and advantage.

Then for Col. Fletcher's Instructions from the King, Mr. Mountague shews want of judgment in offering that clause in justification of the Grantees and their title. For no Governor before Fletcher had that unlimited power of disposing of the Crown lands in this Province, and that Instruction being unprecedented turns with greater force against Fletcher, making the fraud more apparent, because that clause was premeditated and contrived. 'Tis a very presumptuous and unnatural Act to make the King defraud himself, as by that clause in the Instructions he is made to do. How common a thing is it in England to break grants of land made immediately by the King himself, when 'tis found that the King is deceived in his grants? Here the reason is yet stronger, that fraudulent grants made by a corrupt Governour, should and ought to be made void. I believe there are not less than 7,000,000 acres granted away in 13 grants and all of them uninhabited, except Mr. Renslaer's, which is 24 miles square, and on which the town of Albany stands. That grant being made when this Province was first settled by the Dutch, the lands are fallen into many hands by the Dutch way of dividing them equally among their children, so that it would be a hardship to deprive the present occupants of their lands. But 'tis reasonable they should pay a quit-rent to the Crown of 2s. 6d. per 100 acres, and I believe most of the people concerned in those lands would freely submit to such a quit-rent, if they could be well warranted and secured in their title for the time to come. The vacating Act sent home is fully justified by the Lords Justices' Order to me, grounded on your Lordships' representation, and by the Act of Parliament, passed last session, to resume all the Irish forfeitures, which had been granted away by His Majesty. Mr. Solicitor General's Report to your Lordships is very oddly drawn (to say no more of it), and shews he had a great deal of other business in his hands, and left the report to his Clerk to draw up. I am not angry with Mr. Mountague for his Memorial, nor the many errors and untruths in it; he has done it mercenarily and for a livelihood. He is made use of as the organ to convey a

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parcel of untruths to your Lordships, which were infused into him by the factious people of this place. I doubt not but Mr. Champantè will have made a substantial answer to Mr. Mountague's frothy Memorial long before this letter will reach England. If the vacating Act I sent home had been approved by the King, I believe the General Assembly would have broke all the rest of the extravagant grants in the Province last Session; they were in the humour of doing it, but that the Acts being so delayed at home discouraged them. The suspension put on that Act breaks all my measures; your Lordships have been often told, that till that Act be confirm'd in England, the King has neither land nor woods in the Province; how then can I comply with your Orders, Sept. 19th last, of trying to make tar with the soldiers? Besides, I proposed 12*d.* per day sterling as a reward for each soldier, which is 15½*d.* of this money, and alters the case very much, and 40 acres of lands for each soldier after 7 years' service, which would cost the King nothing, and yet be an advantage and security to the country and an encouragement to the soldiers; for if I cannot engage them to work heartily at first, my project will fail me. Therefore if you mean this design shall go on, let the vacating Act be passed, and new Orders to me and the Assembly to break the rest of the exorbitant grants, with orders also to me to give the soldiers 12*d.* *sterl.* per day apiece, and such a proportion of land to each officer and soldier as I formerly proposed, and then I will immediatly begin. The soldiers must be paid every Saturday, therefore 'tis not possible to pay them out of the produce of their work as you propose, but if I may be allowed to draw for 500*l.* home, for a beginning, I doubt not but I may be able to pay 'em on afterwards out of the produce.

Refers to enclosures. I cannot but think the bargain I have made for masts is a very valuable piece of service, and that alone is a sufficient refutation of Mr. Mountague's tinsel arguments. Your letter of Sept. 19 is writ with that unusual coldness in relation to the Vacating Act I sent home, and not encouraging me to prosecute your former Orders of breaking the rest of the Grants that are exorbitant that I was just going to break off my bargain with the undertakers for masts and to write to them to leave off cutting the masts. But then I considered the consequence of such an order might in all probability do a world of hurt, not only in discouraging the undertakers, but also in alarming our Indians and giving them some jealousy that might prejudice them against our building a fort at Onondage. I perceive they are made to believe I am in disgrace with the King, and that I am to be superseded in this Government: this they told as news to Col. Romer, when he was in that country.

A Messenger newly come from Albany brings word the undertakers for masts were very forward with their work; that they had drawn several masts out of the woods to the side of the Mohacks' River, ready to float down when the river is open, for at present 'tis froze up. I am certain the undertakers have agreed with the Mohacks, that the King shall have their woods, because I directed them to make a sure bargain for the King,

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before they offer'd to begin to work, for fear of giving the Indians the least disgust. If they knew that the Vacating Act is still unapproved by the King, I am confident they would immediately leave off working in those woods, for fear Mr. Dellius and the other grantees of the Mohacks' land and woods should sue them for a trespass and recover great damages. It were better that things of this kind were never called in question, than not to be vigorously prosecuted, when once they are begun to be questioned. A slackness in the orders from home makes everything uneasy here, and discourages a man that has an honest zeal to serve England. I have no doubt upon me as to the making tar with the soldiers, when your Lordships have done your part, and as for the masts there is demonstration of their being furnished, and I again desire that you will order a fly-boat or hag-boat of 500 tons to be here by the end of April or beginning of May to carry them away. I run some hazard in raising £1,080 New York money on my own credit to pay for them, and shall be forced to draw bills on the Admiralty for that value, which I will inclose to you, that you may take such a course as shall be effectual to prevent a protest on my bills, which is a thing that has never yet happen'd to me, and the discredit of it would very much trouble me.

They have got about 40 saw mills up in this Province, which I hear rids more work or destroys more timber than all the saw-mills in New Hampshire: 4 saws are the most in New Hampshire that work in one mill, and here is a Dutchman lately come over, who is an extraordinary artist at those mills: Mr. Livingston told me he had made him a mill that went with 12 saws. A few such mills will quickly destroy all the woods in the Province at a reasonable distance from 'em. The trade of ship-timber from N. Hampshire and the Massachusetts to Spain and Portugal will go on more and more till there be an Act of Parliament to forbid and make it penal, for, to use a person's expression that has lately writ to me from Boston about the mischief of that trade, those people laugh at your Lops' Order agt it, and so they would at an Order from the King. They know very well that nothing but an English Act of Parliament can hinder them, and such an Act would easily be obtain'd to passe, I should thinke.

The Commissioners of Accounts, appointed by Act of Assembly, would persuade me they shall make Col. Fletcher debtor to the King severall thousand pounds more than the account I sent your Lops. two years ago made him to be. They name some others, too, who they pretend they shall make very considerable debtors to the King. They talk of such summs to me as will go a good way towards building our fortifications; and our fortifications in this province, and to the Eastwd. of the Massachusetts, if they be built as they ought to be, will cost £40,000 *ster.*, with all the honesty and thrift that can be us'd. In the calculation I made and sent you wt my last letter of the charge of building forts, I omitted that of fortifying this harbor and defending this town from a bombardment, wh I believe will cost 7 or £8,000. I lately sent Col. Romer to visit the harbor and enclose his report. 'Tis

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great pity this town should be expos'd to the mercy of an enemy. 'Tis the growingest town in America. Since my coming hither there are not fewer than a 100 fair brick houses built, and a very noble Townhouse. If the ship were not forc'd to sail because of the great quantity of ice that comes down the Rivers, I would entertain your Lops. with a further discovery of Col. Fletcher's corrupt methods of getting mony, insomuch that he is reckon'd to have got 30,000*l*. N. York mony in five years and half that he was in this Government, and I know his friends here compute that he made that summe while he was here. And I can make out most of it upon a probable estimate. He left no trick or fraud unpractic'd to get money, and all under the mask of a pretended piety, and a zeal for the Church of England even to martyrdom, if people would have believ'd him, but he was quickly found out, and the officers who first experienc'd his hypocrisy nicknam'd him the Pharisee. He was given to drinking, to corruption and lying; but lying was his predominant vice, and some of his friends have own'd so to me in softer terms: they have told me Col. Fletcher was a man of parts and 'twas pity he gave himselfe too great liberty in discourse, and that he had not a guard on his tongue. In a word, besides the many frauds he has put on the King, he has left behind him such seeds of disaffection, sedition and immorality in the people here, as will require much time and pains to root out and extinguish. And I hope your Lops. will support me in the execution of your own orders; that you will make him refund all the mony he has cheated the King of, wh the Commissioners of accounts will (as they assure me) shortly prove undeniably upon him. You know that severall marchands in this town are his securities in a bond of 10,000*l*. I hope you will still maintain your resolution of breaking all his grants of the lands, otherwise your acquiescence wth his corrupt bargains will be look'd upon as a sanction given them, wch I can never in the least imagine, your Lops. capable of. If there were no other reason for breaking his grants and some few grants of other Governors, than the making tar, sending home ship-timber and masts, surely every man that has a grain of sense and honesty must own that so important a service as furnishing the King and his dominions wth those things outweighs all reasons and considerations whatsoever that can be offer'd in behalf of Fletcher and his grantees.

I remember I formerly returned Mr. Dellius's grant at abt 900,000 acres, and that upon Mr. Graham's report of its being 86 miles long and but 16 broad, by guess, for he own'd he had never seen it. Some of the Dutch that have travell'd that way have since assur'd me they judge it to be 25 miles broad. If so, it contains 1,376,000 acres, wch is a prodigious tract of country to grant away to a stranger that has not a child, that's not endeniz'd, and in a word, a man that has not any sort of vertue or merit. I do not hear one word of our Indians since my last letter to your Lops. I hope the Lords of the Treasury will enable the Judge and Attorney General to come away speedily, or we shall be all in confusion here. Justice is so strangely administer'd

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in our Courts here, that there are great complaints and dissatisfaction about it. I rely on your Lops.' favour for procuring me a reasonable salary, and some consideration for the time past. Surely I may pretend to deserve a mark of the King's favour, for the cheap bargain I have made for masts. *Signed*, Bellomont. P.S. *Enumerates Enclosures*. I send Col. Smith's Letter giving an account of the methods of proceeding in the Courts of Justice of this Province . . . Mr. Graham had been most capable of complying with your order, but I have not seen him above these four months, he keeps house and either is really sick or sick of the Attorney General that's coming from England . . . I send a copy of Mr. Weaver's Commission, wherein he has procur'd a clause to be inserted, wch gives him a power of making a Deputy, notwithstanding what your Lops. lately writ to me, and observ'd the abuse of an officer's having such a power. I find Mr. Weaver intends very soon to make a journey to Barbados, wch is so unreasonable a neglect of his duty, that if he persists in it, I will most certainly suspend him, and apply to the Treasury to make another Collector. I take a great deal of pains to serve the King myselfe, and I will oblige all other officers in the Government to take the same pains in their respective employments, or I will turn 'em out, and apply home for new ones. Your Lops. were mightily in the right in intending to abolish for the time to come that clause in the King's Commission, wch empowers officers to act by Deputation. I hope you will order a new Commission both for Mr. Weaver and Mr. Brenton without that clause, or I see plainly I shall never be able to keep them to their duty, and to prevent officers from getting that or any other irregular power inserted in their Commission. I could wish your Lops. had the last supervisal of all Commissions for Civil employments in the Plantations, and no such Commission to be authentick unlesse it be attested by your Secretary to have been approved by your Lops. *Endorsed*, Recd. 24th Feb. Laid before the Board, 14th March. Read at several times and finished the 31th March 1701. *Holograph*. 12 pp. *Enclosed*,

3. i. Abstract of preceding. 7½ pp.

3. ii. Lord Bellomont's reply to the observations of the Lords of Trade, etc. (*Cal. A. and W.I.*, 1700., No. 786. i.) on the Acts of New York, passed there 1696-1699. (1) The first parcel of Acts were made in the former Governor's time and not solicited to be pass'd now, only that the Solicitor General was not willing, as I am informed, to make reports on the latter Acts without likewise reporting on the former. (2) I have strictly observed the King's Instructions in relation to Courts of Judicature, and not re-enacted any. (3) The publication of an Act of New York is after this manner. At the close of the Session of General Assembly, a Bell is rung to give notice that the Governor, Council and Assembly do resort to the publick Town Hall of the City, where all Acts of Assembly that pass'd that Session are publickly read in open Court, and this is understood to

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be the publication to all the inhabitants of the Province. (4) The Act for preventing vexatious suits, etc. The reflecting expressions are such as were thought seasonable to answer the end on the like occasion upon their Majesties' happy accession in the Act of Parliament of 1st W. and M., and the enacting part of the New York Act is word for word the same, too, only the word executions is added because some executions had been laid, which by her Majesty's order of May 12, 1692, were commanded to be restored to the particular persons, and all suits brought against them in behalf of the King to be discharged. But notwithstanding, after the said order, such suits were brought, and these executions levied, which this Act discharges. (5) The opinion of the Solicitor General of England agrees with the design of the Act, nor can there be found persons in New York capable of assisting to draw up the wording of publick acts more exactly until H.M. is pleased to send a Chief Judge and Attorney General, able Lawyers, hither. (6) This objection is removed by perusing the Act of Parliament of 6 and 7 of Wm. III. for reversing the attainder of Jacob Leisler and others, where the words are the same with the declaring part of the New York Act. (7) The Act hereby repealed was expressly contrary to the Law of England, giving power to five persons at their discretion to assess damages between party and party, to give judgement and grant execution against their Estates without any tryall by a jury, and this to be finall without appeal of reversing by writt of error, and therefore the Assembly thought fit to repeal so exorbitant and unjust an Act. (8) This is private and of no great consideration to the Publick. (9) Refer to my letter, Aug. 28, 1699. [*Cal. A. and W.I.*, 1699, No. 746.] But I was likewise assured from Col. Hamilton, Deputy Post Master to the Patentee, that the Lords of the Treasury had it under consideration, and would send instructions relating hereto, which are not yet sent. *Signed*, Bellomont. *Endorsed*, Recd. Feb. 24, Read March 20, 1700. 2 pp.

3. iii. Extract from the Lords of Trade's Letter, April 11, 1700. [*Cal. A. and W.I.*, 1700, No. 307.] *Endorsed*, Recd. Feb. 24, 1700. 1 p.
3. iv.-vii. Duplicates of *Calendar A. and W.I.*, 1700, Nos. 953.x.-xiii. *All endorsed as preceding*.
3. viii. Col. Romer's Report upon the Harbour of New York. Jan. 13, 1700. *Signed*, W. Römer. *Endorsed*, Recd. Feb. 24, Read March 31th, 1700. 2 pp. *Dutch*.
3. ix. Governor the Earl of Bellomont to the Lords of the Treasury. New York, Jan. 2nd, 1700. Repeats objections of Nov. 23, 1700, to Mr. Weaver's salary. The Revenue is clogg'd with anticipations and therefore the public service faintly carried on; the debts of the

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Government are about 5,000*l.*, which we are not able to overcome. The King's House in the Fort here is ready to fall on my head, the soldiers' barracks much out of repair, and the Fort in an ill condition, one of the bastions ready to fall, and the greatest part of the palisados wanting. Mr. Weaver arrived here last Monday after 13 weeks passage. 'Tis true I recommended him formerly to your Lordships' favour, and would still do him a reasonable kindness, but not to disoblige a whole Country for him; by his Commission he is entitled to a year and three quarters salary before he comes upon the place or be in the execution of his employment, which gives great disgust to all people here; and perhaps will be the means of the Province's refusing another time to settle a revenue, which I with some difficulty brought the General Assembly to agree to last May was twelmonth. Your Lordships. ordered, July 1st, '99, that Mr Brookes's accounts should be examined. I was then, and have been till lately, out of this Province, and so could not take any course there. His accounts are now with the Commissioners of accounts appointed by Act of Assembly, who pretend they shall be able to charge Col. Fletcher, Mr Brookes and others with considerable sums of money that they are indebted to the King. I hope you will please to settle an allowance for the Judge and Attorney General for this Province, pursuant to the King's Order in Council, for the publick business as well as the King's suffers extreamly for want of them here. Nobody here understands the drawing an Act of Assembly, and the Courts of Justice are manag'd att a strange rate, so that unless your Lordships. will quicken ye Judge and Attorney Generall's departure from England, I shall be forced to put off the meeting of the Generall Assembly, and likewise to adjourn the Superior Court of the Province, both wch would otherwise be the first week in April next, to wait their coming, which delay may possibly be attended with great inconvenience to the King's service here. *Signed, Bellomont. Endorsed, Reed. Feb. 24th, 1700. Copy. 1½ pp.*

3. x. Governor the Earl of Bellomont to the Lords of the Admiralty. New York, Jan. 1st, 1700. *Repeats information as to his bargain in masts, Nov. 23, 1700, and request for a hagboat to be at N. York by May. It will concern your Lordships. and the rest of the Ministers to promote the King's confirmation of an Act of this Province, which vacated some of Col. Fletcher's corrupt grants of land, etc. The masts I have agreed for will certainly be ready by the last of April. I desire your direction whether I shall contract on behalf of yr Lops. wth the undertakers for a time certain, and after what manner. They are two very honest men, and 'twere pity they should not be encouraged to furnish*

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the King with all his masts, boltspritts and yards of all sorts and sizes. *Signed*, Bellomont. *P.S.* There will be a number of boltspritts and yards sent down the river with the masts. The undertakers were so reasonable as to submit the prices of them to my own judgment . . so that I will take care the King shall not be exacted on. *Same endorsement.* 1 p.

3. xi. Governor the Earl of Bellomont to the Commissioners of Customs. New York, Jan. 1st, 1709. I formerly acquainted you how strangely ill Mr. Hungerford behaved himself in the place of one of the Commissioners of Revenue. I find he made it a common practice to seize goods in people's houses, and, if they compounded not with him on his own terms, he secur'd 'em at his own lodging, without bringing them to the Custome-House. I may venture to say he made seizures of goods to the value of at least 1,000*l.*, which he never gave any account of to the Government, nor to Col. Cortland, who was as much concerned in the Revenue as he. After a great many complaints, I writ from Boston and ordered him to be committed, but he broke the prison, and escaped into East Jersey, where he has absconded several moneths, and went for England ten days ago, with one Jeffers, master of a ship that sailed from hence to London. I never was so deceived in a man in my life . . . As he has sacrificed his reputation in betraying his trust, so neither has he made less free with his discretion, having married a woman that has neither beauty, fortune nor good reputation. *Refers to his theft from the Custom House* (see *Cal.* 1699, 1700). Mr. Hungerford was bound for Mr. Parmyter, the Naval Officer's faithful discharge of his office in a 1,000*l.*, which bond I send you over. I believe Mr. Hungerford will apply to you for the release and delivery of his bond, but I hope you will not part with it. I think he deserves to be committed for his breach of trust here and breaking of the prison. *Signed*, Bellomont. *PS.*—Mr. Weaver has no constitution, it seems, from you for being your Collector; therefore, that the King's service may be carried on, I will give him one till you allow or disallow hereof. I have not seen Mr. Ashfield since his arrival. The character I writ you of him, Nov. 23 last, is a very true one. Some of his creditors have since told me they will arrest him for the money he owes 'em. I desire some honest man may be sent and that is intelligent in business, as well as honest and well affected to his present Majesty, and an English Gentleman and not of this country, and he shall be made Naval Officer by me, as well as Comptroller of the Customs by you, and both together will be a competency for an honest man and a Gentleman. *Same endorsement.* Copy. 2½ pp.

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3. xii. Muster Roll of Lord Bellomont's Company of Foot at New York, Jan. 1, 170 $\frac{1}{2}$. *Signed*, Bellomont, Peter Mathews, C. Ashfield, R. Gwyn, A. D. Peyster, S. Staats. 1 p.
3. xiii. Muster Roll of Lt. Gov. Nanfan's Company of Fuzileers at New York, Jan. 1, 170 $\frac{1}{2}$. *Signed*, John Riggs, Charles Oliver, A. D. Peyster, S. Staats. 1 p. 3. xii. and xiii. *endorsed*, Recd. Feb. 24, 170 $\frac{1}{2}$.
3. xiv. (1) Minute of Council of New York, Dec. 28, 1700, concerning Mr. Weaver's Bill of Exchange. 1 $\frac{1}{2}$ pp.
3. xiv. (2) Minute of Council of New York, Jan. 2, 170 $\frac{1}{2}$. 1 p. *The whole endorsed as preceding.*
3. xv. Col. Smith to Governor the Earl of Bellomont, giving an account of the methods of proceeding in the Courts of Justice in the Province of New York. Mannor of St. Georges, Nov. 26, 1700. *Signed*, Wm. Smith. *Copy*. 2 pp. *Same endorsement*. [C.O. 5, 1046. Nos. 2, 2.i.-xv.; and (without enclosures) 5, 1118. pp. 220-241; and (abstract with marginal notes for reply) 5, 1133. pp. 138-148; and (duplicates of ii.-vii., xiv., xv.) 5, 1083. Nos. 54-61; and (duplicates of Letter and x.) 5, 1044. Nos. 38, 38.i.]

Jan. 2.
Deptford.

4. Rear-Admiral Benbow to the Council of Trade and Plantations. In compliance to your commands to signifie my opinion how H.M. Dominions in the West Indies may be better secured then they are now, and perticular Jamaica. Jamaica is well knowne to be a large island, and not a tenth part inhabited and those promiscuously over the island, except that of Legane, Withiwood, and Spanish Town, and cannot at this time raise 2,000 white fighting men, neither have they any fortifications more then that which leads into Port Royal Harbour, which is built very regular and has been a great charge to the country, but is of little or no use to secure that harbour or the inhabitants of Leagane, for at my being there I discovered a channel which lyes S. by E. out about a mile broad, and through this channel any ship or ships of what ranke soever may pass in and out of that harbour a mile from their Fort, and cleare of the battery of guns that is planted on the E. side of the Point. Alsoe the Trade Winds that commonly blows is from the E.N.E. to the E.S.E., and with these winds ships may saile in and out of that channel, and there is nothing to hinder an enemy to goe through the harbour of Port Royall to Leagane, which is the best and strongest part of the island.

Seeing that the Fort at Port Royal cannot prevent ships saileing for Leagane, one at Musketo Point will. For the channel that leads in there is not above 100 yards from where they may build a Fort, and if but good guns in it, 'twill be impossible for any ship to pass, the Channel being so very crooked, this fortification will only hinder the enemy from coming in with their ships to Leagane, while the other inhabitants will be lyable to be ravaged, if the design of the enemy be for nothing else, having so many

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convenient places to land, where they are sure to meet with noe opposition. Whereas I humbly conceive that neither the King nor the inhabitants will be at the charge of fortifying all the Bays where an enemy may land, it will be absolute necessary for a regular fortification to be built at Porto Marrant, where there is a good harbour, and so large as to have conveniences in it, to receive all the inhabitants belonging to that Quarter, with negroes and utensils belonging to their Plantations, for enemies in these parts come oftner to pillage and plunder then to make a conquest. The inhabitants at the sight of anything they suspect may then retire into their fort, taking care it be built soe that they may have a conveniency of water in it. Likewise to have a fort at Old Harbour after the same manner, where all the inhabitants of Withiwood may retire to, for forts and fortifications sometimes prove buggbears. Also to have in every parish a place built with brick in manner of a fortification for small arms, and some great guns, to be so large that it may receive all the inhabitants, negroes, etc. in that quarter, and whenever they are invaded they may retire thither, taking care they be seated in such places where there is no want of water, etc., and that the enemy have noe opportunity of bringing cannon to beare, and likewise to fortifie all their narrow passes between the mountains which lead into their Plantations. On the North side of this Island there are many Plantations, but nothing at all to defend the inhabitants thereof, for should a boat or a sloop's crew land there they'd destroy them all. Therefore 'twould be absolutely necessary that either a fort, or such a place of refuge as aforesaid, were built at Montego Bay, which is near the middle of the Island, and a place where pirates use to frequent. All the Windward Islands except Barbados are lyable to this fate, and will be plundered, except soldiers be sent out of England and planted on the several islands, and some men of war to attend and transport them as occasion may offer, for the inhabitants of all those parts are not sensible of their danger nor willing to receive those who will protect them, so that their own safety must be forced upon them. If the inhabitants of H. M. Dominions in the West Indies will be at the charge of erecting Forts and fortifications as aforesaid, they may live easy and secure, tho' wee had a war with France and Spain, provided our forces be soe in those parts as to be stronger then theirs, but whenever that fails, all must. *Signed, J. Benbow. Endorsed, Reed. 3rd, Read 8th Jan., 1709. Addressed. 3 pp. [C.O. 137, 5. No. 25; and 138, 10. pp. 112-116.]*

Jan. 2.
Fort William
Henry.

5. Minutes of Council of New York. Thomas Weaver produced H.M. Letters Patents and was sworn Collector of the Customs. H.E. informed him of the minute of Dec. 28th as to his salary, and he replied that he would comply with what H.E., the Council and Assembly should think fit to do in that matter.

H.E. produced a letter from the Board of Ordnance, March 9, 1699, directing him to pay 60*l.* to Thomas Ogden, Master of the *Thomas and Elizabeth*, that brought stores of war to this province

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for H.M. service, out of the Revenue. The Council are of opinion that it will be a great hardship on this Province to pay summes of this nature out of the revenue at a time when the same is so very much anticipated. But in consideration of the Order to H.E., paid 40*l.* pounds, 20*l.* being abated by reason the stores were damnified.

The High Sherrif of West Chester appearing before the Board with William Barns, Benjamin Collier, and Robert Bloomer, and having been heard in order to the detecting the supposed murder of David Burgett, ordered that Peter and Mary Villepontoon, son and daughter of Peter Villepontoon of the County of Westchester, together with the negro man of said Peter be taken into custody and brought with all convenient speed before this Board. [*C.O.* 5, 1184. *pp.* 405, 406.]

Jan. 2.
Whitehall.

6. Journal of Council of Trade and Plantations. Draught of Letter from H.M. to Lord Bellomont, as Governor of New Hampshire, agreed upon. Directions given for preparing draughts of letters to other Plantations, and progress made with Representation upon the same subject—the Forts and Fortifications in the Plantations.

Jan. 3.

Mr. Hodges attending, as ordered, laid before their Lordships an account of the adjournments and delays in the Court of Chancery of Barbados, which was read. Confirmed by Mr. Knapton's declaration. Mr. Hodges promised to put in writing what it is he desires of this Board.

Draughts of letters to the Plantations, relating to the forts etc. on the frontiers of New York, agreed upon. [*Board of Trade. Journal*, 13. *pp.* 303–305; and 98. *Nos.* 1, 2.]

Jan. 3.
New York.

7. Governor the Earl of Bellomont to Mr. Secretary Vernon. Since I writ you, Dec. 6., I have recd. a letter from Mr. Penn, (to whom I had sent the names of the persons in his Colony, who had part of Gillam's mony) wherein he tells me he has a prospect of recovering greatest part of the mony, and will write you word of it himselfe, wh. is equal to me, provided you get it. The 700 pretended to be buried in Long Island by Gillam is not yet found. Giles Shelley [see *Cal.* 1699] is now in London and appears openly on the Change. 'Tis pity he should not be taken up and secur'd, for it was the boldest villany that has been done since my being in this Government, his bringing so many pyrats. He is a pretty tall man, abt. my height, but broader set, abt. 38 years of age and pock-fretten. Mr Hackshaw, a Marchand in London (who, by the way, was one of the petitioners against me) was one of his owners, and knows, if he pleases, where he may be taken every day. Shelley is said to have got 8,000*l.* by that voyage for his own share, and he made some purchases here at his return from Madagascar. One Thomas Clark, who got to the value of 10 or 12,000*l.* of Kidd's effects, and keeps the greatest part of 'em, should quickly be prosecuted, if I had the Judge and Attorney General here from England, but for Mr Graham, the present Attorney, I believe 10 pieces of eight would bribe him at any time. 'Tis shameful that business is not more vigorously

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carried out. The King consented and order'd salaries for a Judge and Attorney near a year ago, but it seems the Treasury does not settle them for all that. *Refers to his bargain for masts.* Mr. Weaver has brought me a letter from the Council of Trade, Sept. 19, wch I do not like by no means. They seem to have lost mettle, and have not got the Act approv'd, wch we sent over, to vacate some of Fletcher's extravagant grants. Yet they direct me to set the souldiers to work on making tar, tho' I have told 'em in I believe a dousin of my letters that it was impracticable making tar or furnishing the King with masts till that Act was approv'd, and another pass'd to break the rest of the extravagant grants, for that the King has not an acre of land or a tree in this province as the case stands. I am so disturb'd at this letter that I am going to stop the undertakers from proceeding in cutting the masts, least I be left in the lurch, and Delliuss and his partners in the grant of the Mohack's land seize on the masts and sue me for a trespassse. Really this sort of managemnt is wonderfull, and the often change of Ministers is ruinous to our affairs in England. Mr. Locke, it seems, has quitted that Board; Mr. Stepney and Mr. Prior may be honest Gentlemen, but they are new and unacquainted with trade and perhaps not well appriz'd of the advantage Naval Stores would be to England from these Plantations. In short I do not like the air and turn of this letter from the Council of Trade, but I am not so poor spirited as to suffer so noble and usefull a design as this to miscarry, so long as there is a Parliament to apply to.

I have certain advice from Carolina that 4 or 5 very rich Pyrats were come to Charlstown, whereof one Martyn was one; my author saw Martyn and the rest and they had 2,000 pieces of gold, 3,000 pieces of eight, and a great quantity of jewels for each man's share. My author further tells me there were abt half a dousin Pyrats lately hang'd in Carolina, but it was because they were poor. But these rich ones appear'd publicly and were not molested in the least. Pray be pleas'd to let me know whether you deliv'd my letter to the King, and whether he was at the pains to read it, and what he said to the contents of it. *Signed, Bellomont.* PS.—If an appeal be brought to the King by Tierens and Crugger against Col. Abraham Depeyster, March-and in this Town, I beg you will do Col. Depeyster all the just favour you thinke fit at the Council Board. Depeyster is a very honest man, and the right of the case is perfectly wth him in my apprehension. Since my writing this letter, I consider 'twill be absolutely necessary I go on wth my bargain for masts tho' at my own great hazard for fear of allarming our Indians by my putting a stop to that work. *Endorsed, R. 26 Feb. Holograph. 4 pp. [C.O. 5, 1044. No. 39.]*

Jan. 3. 8. Mr. Hodges to the Council of Trade and Plantations. Details of the adjournment and delays in the Court of Chancery of Barbados, complained of Dec. 19. (See *Cal. A. and W.I.*, 1700, No. 1,030, i.) *Concludes*, The Court of Chancery there heard but two causes in eight months, and the Court of Errors did not sit

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once in all that time If there be in the Chancery alone many hundreds of cases (*i.e.* not *less* than 300) depending and but two of them were decided in eight months, the 300 may be decided in a hundred years, if no new causes come on to interrupt them, and the very number of causes depending in the Chancery of so small a place is alone an undeniable demonstration of the premisses and of the miserable condition of that island, and of the necessity there is to rescue the best trade England has from this apparent discouragement it now lies under and from the certain destruction such management may bring on it. If the great sickness, which was last summer in that Island, be urged in defence of this male administration, upon enquiry it will be found that the violence thereof lasted about six weeks and was not very mortal, and that if the Courts there must not sitt til it be a healthy Island, they may be adjourned til Doom's day. *Endorsed, Reed.* Read Jan. 3, 170^o. 2 $\frac{1}{2}$ pp. [*C.O.* 28, 4. No. 68; and 29, 7. pp. 205-211.]

Jan. 3. 9. Mr. Knapton's Declaration concerning the delays in the Court of Chancery in Barbados. I was in Barbados for 8 or 9 months from Jan. 13, 1699, most of that time lodged in Mr. Chilton's house and concerned in most of his business, and did not hear of any Chancery Court that was held whilst I was there. I made a copy of the list of the Chancery causes depending, and to the best of my remembrance there was between three and four hundred causes. I have heard some of the inhabitants complain of the delays of that Court, and have heard that Courts have been some times put off to attend burials and some such inconsiderable reasons. *Signed, J. O. Knapton.* The violence of the sickness which raged there last summer lasted but abt six weeks and few dyed of it. *Signed, J. O. Knapton.* *Endorsed, Reed.* Read Jan. 3, 170^o. 1 p. [*C.O.* 28, 4. No. 69; and 29, 7. p. 212.]

Jan. 6. 10. Journal of Council of Trade and Plantations. Remaining Whitehall. draughts of letters from H.M. to the Governors of Plantations relating to the frontiers of New York agreed upon. Progress made with representation upon the Forts etc. of all the Plantations.

Jan. 7. Further progress made with same Representation. Letter from Mr. Secretary Vernon, Jan. 7, read. Letters ordered to be prepared accordingly.

Jan. 8. Copy of letter of June 26 last, to Lord Jersey, as to their establishment at New York, ordered to be given to Mr. Attwood and Mr. Broughton, as they desired.

Representation on Forts etc. and letters for erecting same agreed upon and ordered to be transacted.

Letter from Rere-Admiral Bombow, Jan. 2, read. [*Board of Trade.* Journal, 13. pp. 305-308; and 98. Nos. 3-5.]

Jan. 7. 11. Mr. Secretary Vernon to the Council of Trade and Plantations. I have layd before the King your report of Oct. 15 last, whereupon H.M. has thought fit to direct that your Lordships

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should prepare letters for his signature requiring the Earl of Bellomont to use his endeavors with the Assemblys of the Massachusetts Bay and New Hampshire to passe Acts to prevent the future spoil of the woods there, and for preserving a nursery of such trees as may be useful for H.M. service, and in case he cannot prevail to get the said Acts passed, that he send over hither the heads of such a Bill as may be proper to be passed here for those purposes. *Signed*, Ja. Vernon. *Endorsed*, Reed. Read Jan. 7th, 170^o. *Holograph*. 1 p. [C.O. 5; 862. No. 34; and 5, 909. pp. 342, 343.]

Jan. 7.
Jamaica.

12. Governor Sir William Beeston to the Council of Trade and Plantations. I have received your Lordships commands of Aug. 1 about the methods of the Courts, on which having consulted the Chief Justice and the Attorney General, we cannot think of doing it any way soe fully as is set down in the Publick Acts for Regulating Courts and Establishing Fees, both which you have by you, in which all the particulars are fully mentioned, except the Admiralty Court, the method of which is the same as in England; soe that this Island seemes in all things to bee soe provided with necessary Laws, that if your Lordships on anything relating to it would but please to order the Laws to be inspected, you would find provisions made for most things necessary, as well as to answer such inquiries as these are, without giving yourselves the time and trouble of writing hither. The Island continues in good health and for the number of people therein and flourishes very much. But there wants inhabitants to fill and strengthen it, and particularly such as would be fitting to make both Civil and Military Officers, of weh wee are very barren, and altho' wee have pretty numbers of passengers and servants come every yeare to the Island, yet very few or none come to settle here that are qualified for such employmts. Our trade wth the Spaniards is much abated by their dishonest and uniuert dealing, and they threaten us dayly with expectation of a warr, but if that should happen they would have little reason to reioice, for wee should soon bee too hard for them, and our people would not fail to remember the abuses and inhumanitys they have often used to the English Nation. In some of my last I acquainted you that the Council was now reduced to seven; therefore hope you will recommend to H.M. favour such as your Lordpps. shall judge most fitting of those lists you have before you. *Signed*, Wm. Beeston. *Endorsed*, Reed. 14th, Read 15th April, 1701. *Holograph*. 1½ pp. *Annexed*,

12. i. Abstract of preceding, with marginal notes (*in Mr. Popple's hand*) for reply. ½ p. [C.O. 137, 5. Nos. 33, 33. i.; and 138, 10. pp. 148-150.]

Jan. 7.

13. Minutes of Council of New York. The son and negro of Peter Villeponton; the person suspected to have murdered David Burgett (Jan. 2), examined and discharged. Proclamation ordered, offering reward of 100 pieces of eight and pardon to any

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person who had been privy thereto, for information leading to conviction of the principals and accessories in that murder. [C.O. 5, 1184. pp. 406, 407.]

Jan. 9.
Boston.

14. Minutes of Council of the Massachusetts Bay. Captain William Wormal, Commander and Truck-Master with the Indians at H.M. Fort of Cascobay, having lately seized the sloop *Endeavour* of Boston, Ebenezer Elwell, Master, on account of breach of the Act regulating trade with the Eastern Indians, and having taken out ye peltry and goods therefrom and left two soldiers on board, with charge to bring the said sloop up to the Fort, the Master and Company overpowering of them and contrary to their wills brought away the same with the two soldiers to Boston. Advised, that the vessel with her appurtenances be apprizd and restored to the owners, they giving security to respond the value thereof in case of condemnation upon trial, and that Capt. Wormal be ordered to send the peltry and goods in his hands under seizure to Boston.

226*l.* 15*s.* paid to Capt. John Fayreweather and the officers and souldiers belonging to H.M. Castle upon Castle Island for wages May 26—Nov. 26, 1700.

148*l.* 12*s.* 6*d.* paid to Capt. George Turfrey for the soldiers at Fort Mary at Saco, April 23—Oct. 22, 1700.

Account of Mr. James Taylor, Treasurer, approved and ordered to be paid.

Capt. Samuel Barbur of Medfield and Capt. Daniel Fisher of Dedham paid various sums on account of soldiers impressed by them in March last.

Mr. Treasurer ordered to lay out the remainder of the 1,000*l.* granted by General Assembly for carrying on the Trade with the Indians, and dispose of the peltry etc. he receives from the Truck-Masters as best he can. [C.O. 5, 788. pp. 29-31.]

Jan. 10.
Whitehall.

15. Council of Trade and Plantations to Mr. Secretary Vernon. According to your directions, Dec. 25, we enclose draughts of letters for H.M. Royal signature to the Governments of the Massachusetts Bay and New Hampshire, to take care of their own coast, and to the other Plantations respectively to excite them to contribute, in all, the sum of 3,000*l.* *sterl.* towards the charge of securing the Frontiers of New Yorke, which sum we fear is the utmost they will contribute at this time. And because the Governments of the Jerseys are in disorder, and without Governours qualified by Law, we have not prepared letters for those Colonies, thinking it more proper for my Lord Bellomont to signify H.M. pleasure to the people there, according to the directions now prepared, in the draught of H.M. letter to his Lordship as Governour of New Yorke. As to the sum of 2,000*l.*, for which H.M. has thought fit that Lord Bellomont draw bills in small sums as (? at) several times, towards the fortifying Albany and Schenectady, we conceive the forts at those places are now in greater danger than his Lordship could apprehend, when he wrote his last letters; and that he will not readily get

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credit in New Yorke for money payable by the Treasury here; therefore humbly offer that 500*l.* thereof be immediately paid to his Lordship's Agent here, to be forthwith returned to him, that the work may be proceeded upon with all possible expedition, after which his Lordship may have time to draw bills for the rest.

And H.M. pleasure is to be further known on what person or persons his Lordship shall draw such Bills, according to the course of merchants. We send you herewith a copy of the quota mentioned, to be transmitted accordingly. It is necessary two originals of each letter be prepared that they may be sent by different conveyances. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Geo. Stepney, Mat. Prior. *P.S.*—One draught of fortifications shall be ready when called for. The state of the Fortifications of H.M. Islands is preparing. We enclose the draught of a letter from H.M. to Lord Bellomont for preserving the woods. [*C.O.* 5, 1118. *pp.* 76–78; and 5, 1079. *No.* 59.]

Jan. 10.
Whitehall.

16. Council of Trade and Plantations to the King. Your Majesty having required us to report the state of the Forts in your Majesty's Plantations, we humbly take leave to lay the same before your Majesty, and to propose what we conceive may be necessary to be done for their better security and defence. The settlements of your Majesty's subjects in Hudson's Bay being reduced to a weak condition, may in a particular manner deserve your Majesty's thoughts and recommendation to the Governor and Company of *Hudson's Bay*, that they employ their best endeavours for the security of their Fort and Factories there.

Newfoundland is of great importance, by reason of its trade and fishery, which yield to England about 300,000*l.* per annum. The Eastern Coast of this Island is inhabited by English, who this last summer were computed to be 3,773. The place of chief strength is St. John's Harbour, which is now fortifying by your Majesty's Command, and if the Garrison, which at present consists but of 40 men under a Lieutenant, were increased to as many more, to be sent in the spring with the convoys, your Majesty's subjects there will not be so much exposed to an ordinary force by sea, nor be in danger of suffering from an enemy by land, as they did in the late war, when they were destroyed by the French from Placentia.

On the *Continent* your Majesty has one continued dominion for at least 17 degrees, beginning from the *River Sta. Croix*. Col. Romer has, by order from Lord Bellomont, survey'd all the Coast from St. George's to Boston and sent us draughts of the principal Bays and Rivers, which we humbly lay before your Majesty, with the condition of several places which are thought necessary to be fortified. The entrance into St. George's River being difficult because of several Islands and Rocks in the Bay of Musconcus, a small redoubt and battery upon the neck of what is now called Bellomont's Bay is judged sufficient. About five leagues to the westward of St. George's lyes *Pemaquid*, a spacious river, and of great consequence as covering three other Rivers, Damarascot,

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Sheepscot and Kennebec, and therefore deserves to be well guarded. At the entrance of this River, within two leagues of the main sea, formerly stood a Fort, which at the approach of two men of war with 100 French and 500 Indians was shamefully surrendered, Aug. 1696, and demolished. For the security of this port and harbour, and of all that country, and to encourage people to settle there as formerly, a good Fort ought to be built in the same place or thereabouts. And for its better defence, in case of an attack from the sea, a battery may be raised on the next point of land, and a redoubt or round tower on John's Island.

Towards the mouth of *Kennebec River*, seven leagues from Pemaquid, are many little Islands. On that of Damaras Cove there was before the war a pallisadoed Fort for the defence of the Fishermen, and another on Cape Anawagon, where they used to cure their fish. But to guard the entrance of the River a redoubt ought to be raised on the Island Sagadahock, and a little Fort at New Town in Rouseck Island, two leagues up the River, where there was formerly a small square one pallisadoed. *Casco Bay*, six leagues from Kennebec, is a convenient bay, on the N.W. point whereof was formerly a village called Falmouth, and a wooden Fort, both which having been destroyed in the late war, the Government of the Massachusetts has ordered a new Fort and Trading House to be built thereabouts, which may be of good service. *Saco River*, about nine leagues W. of Casco, is but small and its navigation interrupted by a sandy bank at its mouth almost dry at low water. Two leagues up the river on the W. side near the Falls, stands a stone Fort and a Tower in the form of an irregular pentagon, which ought to be kept in repair, and Col. Romer has marked out a place on Winter Harbour or Stage-gut-point, four miles from the mouth of this river, for the security of the fishery. At *Wells* and *York* are villages with little Garrison Houses, which require no further consideration.

Piscataway, nine leagues from Saco, is an important River, being the boundary between the Province of Main and New Hampshire. On the great Island at the mouth of this river is a Fort of 30 guns on New Hampshire side, but incapable of defending the River, yet the place where the said Fort stands is very proper for building a good new Fort, such as the growing trade of that place and country requires. Col. Romer has sent a design thereof, and adds that a good strong tower on the point of Fryar's Island, a battery on Wood Island, and another battery on Clerk's Island would be very necessary.

The *Massachusetts Bay* has in it many islands, and among the rest Castle Island, not far from Boston, of great security to that Harbour. In the said Island is a Fort which Col. Romer proposes to be repaired and enlarged, and for the better securing the passages and Channels of the Bay, he further proposes some points of land to be provided with Batteries.

Rhode Island being the most important place of the South-West side of Cape Cod, is so situated as to be a very convenient harbour, and of security to that part of the country in case it were put in a state of Defence, which it has never yet been, by the mean condition and refractoryness of the inhabitants.

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In the Province of *New York* there is a Fort for the security of that City and Harbour which is in an indifferent good condition ; from thence 140 miles up Hudson's River is the town and fort of Albany, and about 20 miles from thence on another river is Schenectady, both which are of the greatest consequence towards the security of that Province and your Majesty's other Plantations.

In the *Onnondage Country* a Sod Fort is necessary, towards securing the Five Nations in their allegiance, for which provision is already made by your Majesty's gift of 500*l.* and a contribution of 1,500*l.* by the Assembly of New York.

The Provinces of *East and West New Jersey* are without any place of defence, and, being Proprieties whose Governors are unqualified as not being approved of by your Majesty, those Governments are in great disorder, and nothing more can be proposed concerning them than that they should contribute to the defence of New York. *Pennsylvania* is likewise without fortifications, nor are any desired by the Proprietor, which nevertheless might be requisite for the security of Delaware River.

Your Majesty's Provinces of Maryland and Virginia are so situated that they are best secured by shipping and do not require any fortifications. North and South Carolina are under Proprietors, who undertake to provide for their own security.

We beg leave to add, that the Province of the *Massachusetts Bay*, being a numerous and wealthy Colony, enjoying great privileges, by Charter, ought to be required to repair, erect and maintain at their own expense the fortifications in the fore-mentioned places under that Government, and most particularly the Fort at Pemaquid, the chief frontier of that Province towards the French and their Indians, which was well kept up whilst it remained under the immediate Government of the Crown ; the said Forts being necessary for the security of the timber and fishery on that Coast, and to encourage the resettling the Province of Main and the more Eastern parts, which have been destroyed and laid waste in the late War, by the mismanagement and neglect of the Massachusetts Government. The said Province ought also to be assisting to New Hampshire in their fortifications. *New York* being another Frontier exhausted by the extraordinary charge it was at for its own defence during the late war, and the several fortifications there being of too great expense to be supported by that single Province, your Majesty has been graciously pleased to appoint 2,000*l.* towards fortifying Albany and Schenectady, and we hope upon the signification of your Majesty's Royal pleasure to the other Plantations, who are greatly concern'd in the security of that frontier, they may be induced to contribute thereunto according to the proportion which we have stated as follows,

| | |
|--|---------------|
| Rhode Island and Providence Plantation.. | 150 <i>l.</i> |
| Connecticut | 450 <i>l.</i> |
| East New Jersey | 250 <i>l.</i> |
| West New Jersey | 250 <i>l.</i> |
| Pennsylvania | 350 <i>l.</i> |

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| | | | | | | |
|----------|----|----|----|----|----|----------------|
| Maryland | .. | .. | .. | .. | .. | 650 <i>l</i> . |
| Virginia | .. | .. | .. | .. | .. | 900 <i>l</i> . |

3,000*l*.

In this repartition we have omitted North and South Carolina as to any part of that charge, because of the duty incumbent on those Proprietors to maintain and defend that Province, which is likewise a frontier fit to be secured. And in order to excite the several forementioned Plantations to contribute in their respective proportions to the charge of securing the frontiers of New York, we herewith lay before your Majesty the draughts of letters relating to each of the said Plantations, as also to New England, for the fortifying their own coast, in pursuance of your Majesty's commands. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Geo. Stepney, Mat. Prior. *Annexed*,

16. i. Draught of a letter for H.M. signature, to Governor the Earl of Bellomont. Whereas it is requisite that the general security of our Plantations upon the Continent of America be provided for by a contribution in proportion to the respective abilities of each Plantation, and whereas the Northern Frontiers of our Province of New Yorke, being the most exposed to an enemy, do require an extraordinary charge for the erecting and maintaining of Forts necessary for the defence thereof, we have been graciously pleased to give the sum of 500*l. sterl.* towards a Fort in the Onnondage Country, and 2,000*l. sterl.* towards the rebuilding of the Forts at Albany and Schenectady, and have also by letters under our sign manual directed the Governors of divers of our Plantations to recommend to our Councils and the General Assemblies of our said Plantations, that they respectively furnish a proportionable summe towards the fortification on the Northern Frontier of New York; our further will and pleasure is, that for the better promoting of so necessary a work you also signify to our Provinces of East and West New Jersey that the sums which we have at present thought fit to be contributed by them, in proportion to what we have now in like manner directed to be supplied by our other Plantations, are 250*l. sterl.* each, and that you accordingly call upon them for the said summes. And you are also in our name, and upon the consideration of our royal goodness and care as before expressed, instantly to recommend to our Council and the General Assembly of New York, that they exert the utmost of their power in providing without delay what further shall be requisite for the repairing, erecting and maintaining of such Forts, in all parts of that Province, as you and they shall agree upon. You are likewise to signify to them for their further encouragement, that besides the contributions to be made towards the raising and maintaining of

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forts and fortifications on that frontier, we have also directed that in case the said frontier be at any time invaded by an enemy, our neighbouring Colonies and Plantations shall make good in men (or money in lieu thereof) their Quota of assistance according to the repartition herewith sent you, pursuant whereunto you are as occasion requires to call for the same. And in case of any invasion you are to be aiding and assisting to them in the best manner you can. *Ends as following. Annexed, Repartition referred to above. Quota of Money as p. 22 supra. Quota of Men for the defence of the Frontiers,*

| | men. |
|-------------------------|-------|
| Massachusetts Bay | 350 |
| New Hampshire | 40 |
| Rhode Island | 48 |
| Connecticut | 120 |
| New York | 200 |
| East New Jersey | 60 |
| West New Jersey | 60 |
| Pennsylvania | 80 |
| Maryland | 160 |
| Virginia | 240 |
| | <hr/> |
| | 1,358 |

[C.O. 5, 1118. pp. 79-91; and (rough draft) 5, 1079. No. 60.]

- Jan. 10. 17. Draft of a letter, for H.M. signature, to Governor the Earl of Bellomont. Whereas our Province of the Massachusetts Bay have been very remiss in their duty during the late War, insomuch that they suffered the Fort at Pemaquid (the main security of their frontier Eastward) to be shamefully taken and demolished by an inconsiderable number of French and Indians, nor have they since that time taken any care to rebuild the same, our Will and Pleasure is that you signify unto our Council and the General Assembly of our said Province, that we are sensible of their neglect in not providing more effectually for their own security, and you are therefore in our name to require them without delay to provide for the building and maintaining of such Forts in all parts of that your Government as you, the Council and Assembly shall agree upon, and to be likewise assisting to our neighbouring Province of New Hampshire in building and maintaining such Forts as are needful at Piscataway and elsewhere. And besides the care hereby directed, of raising and maintaining of Forts and Fortifications, you are likewise, in case the Frontier of our Province of New York be at any time invaded by an enemy, to call upon our Province of the Massachusetts Bay to make good, in men or money in lieu thereof, their Quota of Assistance according to the Repartition herewith sent you, assuring them that in case of the like invasion of the Province of the Massachusetts Bay, they will be mutually assisted from New Yorke. And you are withall to

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signify to them that according to their behaviour in this occasion they will recommend themselves to our Royal Grace and Favour. Given at our Court at Hampton Court, the 19th day of Jan., 170 $\frac{9}{1}$. *Countersigned*, Ja. Vernon. [C. O. 5, 909. pp. 344-346.]

Jan. 10. 18. Draught of a letter for H.M. Signature to the Earl of Bellomont relating to the security of New Hampshire. You are in our name to require our Council and the General Assembly of our Province of New Hampshire to exert the utmost of their power in providing for the building and maintaining of such Forts either at Piscataway or elsewhere within that Province as are necessary for their security, without being burthensome to their neighbours, any farther than absolute necessity shall require. *Concludes, mutatis mutandis, as preceding, from "in case the frontier."* *Countersigned*, Ja. Vernon. [C. O. 5, 909. pp. 346, 347.]

Jan. 10. 19. Draught of a letter for H.M. signature to Governor Nicholson. Whereas it is requisite that the General Security of our Plantations upon the Continent of America be provided for by a contribution in proportion to the respective abilities of each Plantation(s), and whereas the Northern frontiers of New York, being the most exposed to an enemy, do require an extraordinary charge for the erecting and maintaining of forts towards which we have lately given 2,500*l.* sterl., and have also directed that our said Province should exert the utmost of their power in providing for those and the like occasions, but it being yet further needful that our other Plantations and Colonies on that Continent do also contribute to so greete a worke, wherein their own security is so much concerned, our Will and Pleasure is that you signify to our Council and the present Assembly of Virginia, that the summe which we have at present thought fit to be contributed by our said Colony, in proportion to what we do now in like manner direct to be supplied by our other Plantations towards the fortifications on the frontiers of New York, is 900*l.* sterl., and you are accordingly in our name to recommend to them that they furnish the said sum, and to take care that the same be remitted for the use aforesaid to such persons as the Earl of Bellomont shall appoint. And in case the frontier of New York be at any time invaded by an enemy, you are also upon the application of the said Earl or the C. in C. of that Province for the time being, immediately to furnish a quota of men, or money in lieu thereof, according to the repartition herewith sent you. And you are withall to signify to our Council and the General Assembly of Virginia that according to their behaviour in this occasion they will recommend themselves to our Royal Grace and Favour. Given at Hampton Court, Jan. 19, 170 $\frac{9}{1}$. *Countersigned*, James Vernon. [C. O. 5, 1360. pp. 63-65.]

Jan. 10. 20. Similar letter, *mutatis mutandis*, to Governor Penn. The amount to be contributed by Pennsylvania, 350*l.* [C. O. 5, 1288. pp. 406-409.]

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21. Similar letter, *mutatis mutandis*, to the Governor and Company of Connecticut. 450*l.* to be contributed. [C. O. 5, 1288. p. 409.]

22. Similar letter, *mutatis mutandis*, to the Governor and Company of Rhode Island and Providence Plantation. 150*l.* to be contributed. [C. O. 5, 1288, p. 409.]

23. Similar letter, *mutatis mutandis*, to Governor Blackiston. 650*l.* to be contributed. [C. O. 5, 726. pp. 12-14.]

Jan. 10.
Whitehall.

24. Journal of Council of Trade and Plantations. Representation on Forts, etc., signed. Draught of letter from H. M. to Lord Bellomont, relating to the preservation of the woods, agreed upon.

Letter to Mr. Secretary Vernon, enclosing above, signed and sent.

Their Lordships observing that some Acts of Maryland, amongst which is one for the service of Almighty God, do lye in Mr. Attorney General's hands, and understanding that Dr. Bray has concerned himself about a report upon that Act, he was sent for and acquainted where the obstruction lyes, that he may take such care therein as he thinks proper. He said he had already been with Mr. Attorney General about that matter, and further promised to solicit the same.

Lord Bellomont's letter, Oct. 17, further considered. Directions thereupon given. [Board of Trade. Journal, 13. pp. 309, 310; and 98. No. 6.]

Jan. 11.

25. Attorney General to the Council of Trade and Plantations. I have considered of the Acts of Assembly of Maryland, April, 1700 (*enumerated*) and do find by the Act for the service of Almighty God and Establishm^t of Religion in that Province according to the Church of England, it is enacted, "That the Book of Common Prayer and Administration of the Sacraments with other rites and ceremonies of the Church according to the use of the Church of England the Psalter and Psalms of David and morning and evening prayer therein contained bee solemnly read and by all and every Minister or Reader in every Church or other place of public worship within that Province," in which clause those words "or other place of public worship," are so general that they may be liable to be construed to extend as well to the places where any Dissenters from the Church of England meet together for Divine Worship after their way, as to the Public Churches in that Province, and though I believe this was not intended by the makers of this Act, yet if such constructions should hereafter be made of those words, it may endanger liberty of conscience in that Province, and restrain all Dissenters from frequenting any public places of Divine Worship otherwise then according to the usage of the Church of England. And therefore I humbly submit it to your Lordships' consideration whether this clause should not be so far explained that it may not be lyable to any objection of taking from Dissenters Liberty of Conscience.

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As to the rest of the Laws I find nothing contrary to law or prejudicial to H.M. Royal Prerogative. *Signed, Tho. Trevor. Endorsed, Recd. Read Jan. 14, 1707. 2½ pp. [C. O. 5, 715. No. 20; and 5, 726. pp. 15-18.]*

Jan. 11.
Antigua.

26. Governor Codrington to the Council of Trade and Plantations. This is the first opportunity I have had of writing to y^r Lordships, since I have visited all ye Islands under my command. At my first meeting ye several Assemblys, I endeavour'd to satisfie them I was sincerely determin'd to doe them all ye real service I could within ye bounds of my Instructions, and ye Laws of Trade, that I aim'd at noe little advantages, nor expected any reward, but ye good opinion of my master, that I should pas noe Acts I did not heartily approve for any bribes or presents w^tsoever, and that I should not refuse my assent to any good laws for want of ye usual presents, that I would rigidly, according to my oath and my Instructions observe ye Acts of Trade in every particular and yt I should not have ye least partiality for any man on those occasions; that I thought the truest service I could do them was to recommend and pas good laws for ye encouraging English settlers and not foreigners, for well disciplining and providing our militia, and for establishing short and certain methods for ye distribution of Justice, and yt I should be willing to tie myself up as well as my successors from tedious, frivolous and arbitrary proceedings in Chancery, w^{ch} have been and still are ye scandall of and greatest grievance in every Government in ye Indies, and yt therefore I desired such laws might be past in ye beginning of my Government, and that I as well as ye Councell might be bound up by oaths in yt branch of our business w^{ch} relates to hearing causes in Equity. The Addresses I had on this occasion were too fulsome to please me or to be laid before Y^r Lordships. However, I shall by ye first send you copies of several publick Papers with my observations on them, and they will, I believe, give you a very good light into the tempers of the people I have to deal with. They expected, it seems, I should have carried my complaisance as far as perjury itself, and several people of good condition, from whom I might have hopt better things, I hear are a little too free with me for causing the Acts of Trade to be rigorously put in execution. I am putting out a Declaration on this occasion, and shall continue to do my duty, whoever is pleas'd or displeas'd at it. I think myself so secure of my conduct, that I dare promise your Lordships in a great many more years than I intend to stay here I shall give noe cause for one single complaint against me.

I took the liberty more than once to say to your Lordships, that Governors must be put upon a very different foot before these Colonies are made so serviceable to ye Trade of England as they may be. Whilst Governors are dependent on their Assemblys, the Acts of Trade will never be observ'd. What I say, I know to be true, 'tis left to your Lordships whether you will believe me. If you knew who were the leading men in the several Assemblys, you w^d be convinc'd yt Governors ought to have better salaries, and not permitted to take any presents

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from the people. Whilst they doe, there will be illegal indulgences in point of trade, Justice will be bought and sold, Chancery suits protracted and the poor opprest. I cou'd be particular, but 'tis not my business. If yr Lordships think fit to represent this to the King, you will certainly doe a peice of great service to the General Trade of England. If not, I can live without any Government, and I shall soon desire to be relieved. However whilst I stay here I shall do my duty, though I loose by it. You have commanded me to give an account of our proceedings at Law in ye several Islands. Truly I have endeavoured to inform myself as well as I can, but I find such irregularity and confusion in all our Courts, that I can make noe report at present. I have recommended this very earnestly to the several Councils and Assemblies, and I hope to have some good laws past to establish regular proceedings by the Assistance of Mr. Brunsk^[ele], a gentleman I believe well known to you by reputation, whom I perswaded to come over my Attorney General, and who is of great use to me in rooting out all ye corruptions I find here. I had some orders in relation to Mr. Bourck and Mr. Bolton for having traded with Pirates; the former is an inhabitant amongst ye French and so out of my reach, the latter was sent home a prisoner sometime since. I came too late to make any demands of ye Governor of St. Thomas. Signed, Chr. Codrington. *Holograph.*
5 pp. *On the reverse side,*

Jan. 12,
[Read as 15
in Entry
Book, which
is possibly
correct].

26. i. Amongst the Acts sent over by Col. Fox, there is one that relates to ye encouragement of foreigners, and w^{ch} is perfectly inconsistent with ye Acts of Trade, and null and void itself. This had been before rejected by Col. Burt and ye Council of Nevis, but confirmed by Col. Fox for reasons best known to himself, though ye Receiver of ye Casual Revenues protested against it. If such an Act should pass, 'twould be extreemly pernicious to ye trade of England. For the French factors amongst us are those who manage ye sloop trade and run about ye French Islands to fetch claret and brandy, French linnen, stuffs, paper, etc. I think those who would buy land and settle amongst us ought to be encouraged, but the purchasers I think should not be permitted to stay one day upon ye island. Most of them I believe are French spys, but all of them are serviceable to ye French Trade, and hinder ye consumption of English commodities. I have seiz'd a great many French linnens amongst them yt were brought from the French Islands, and should have seized ten times as many, if they had not been shuffled away and concealed by some English well-wishers to ye smuggling trade. The French indeed are grown a little too busy amongst us. I ordered to be seized last weak a vessel from New York with a French Master, French mate, and but one pretended Berwick man in ye whole ship, who was in reality a Scotch man. The master had a certificate of his being a denizen, but there not being 3/4ths. English amongst

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ye mariners, 'twas not necessary to settle ye point whether a denizen can be a legal master of a ship. The Acts of Trade say expressly ye Master shall be an Englishman. I humbly conceive nothing less than naturalisation can make an Englishman. One of the Acts indeed allows a denizen to be Master of a ship in ye creeks of England, Ireland and Guernsey, but all ye Acts say ye Masters of ships trading to ye Plantations shall be English. I beg you will send me ye opinion of ye Attorney and Solicitor Generall in this point, yt I may doe neither more nor less than my duty. *Signed, Chr. Codrington. Holograph. 2½ pp. Enclosed,*

26. ii. Argument of the case referred to above, with a request for the opinion of the Attorney and Solicitor General. *Signed, Chr. Codrington. Holograph. 1 p. [C. O. 152, 4. Nos. 11, 12, 12.i.; and 153, 7. pp. 156-159, 162, 163.]*

Jan. 13.
Whitehall.

27. Council of Trade and Plantations to Mr. Secretary Vernon. Lord Bellomont complains that the beds he had received for the use of the soldiers had been ill pack't up, and were in a very ill condition. Whereupon he desires that 100 more bedds with coverings and sheets may be sent as soon as may be, and that better care be taken about them, which we desire you to lay before H.M. for his directions thereupon. *Signed, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [C. O. 5, 1118. pp. 91, 92; and 5, 1079. No. 61.]*

Jan. 13.

28. Affidavit of Richard Bate, Barbara Newton's Attorney in Barbados, testifying to the truth of the matters suggested in the petition of Isaac Hawkins (See *Cal. A. and W. I.* 1700, Dec. 12), "excepting what relates to the late frequent adjournments of the Court of Chancery, which I cannot speak to, not having bin in that island for five years past." *Signed, Richd. Bate. ¾ p. [C. O. 28, 4. No. 73.]*

[? Jan. 13.]

29. Lieut. Governor Bennett to the Council of Trade and Plantations. The fortifications of Bermuda are in general in pretty good repair, but the guns are most of them defective by being honey-comb'd or their vents much blown. There are 55, and 10 whole culverins and 20 demy ones, to supply those that are defective, will make that Island in a good condition of defence. All manner of stores and ammunition is wanting, there being not above two barrells of powder in the place and few suitable shot. 100 firelocks would be of use, and a supply of flags for the five forts and castle is wanting. *Signed, B. Bennett. Endorsed, Recd. Read Jan. 13, 1701. 1 p. [C. O. 37, 3. No. 48; and 38, 5. pp. 135, 136.]*

Jan. 13.
Whitehall.

30. Journal of Council of Trade and Plantations. Capt. Benet's memorial of the state of defence of the Bermuda Islands

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read. He was thereupon told that their Lordships would consider of it and represent as may be fit, but that in the meanwhile he would do well to acquaint the Board of Ordnance with the contents thereof.

Lord Bellomont's letters Oct. 19, Oct. 24, Oct. 28 read. A letter was now writ to Mr. Secretary Vernon that 100 beds etc. be sent to New York according to his Lordship's desire. Ordered that a representation be prepared concerning the 30 per cent. Other directions given for reply to his Lordship.

- Jan. 14. Mr. Eyles desired their Lordships' favourable report upon an Act of Barbados for a present to the Governor, Oct. 1699, which is already in the office, fastened to other Acts under one Common Seal, and in order to remove any obstruction that might arise, he laid before the Board a single authentic copy thereof. Their Lordships told him it should be considered. He desired copies of complaints lately brought against the Governor, and their Lordships acquainted him that there are some papers of that kind before 'em, and more expected in a few days, after which they will let him have copies of the whole.

Letter from Mr. Attorney General, Jan. 2, read.

Order of Council, Dec. 19 last, upon Mr. Robert Chaplain's petition read.

Letter from Governor Grey, Oct. 29, read, and papers there-with transmitted laid before the Board. Acts enclosed ordered to be sent to Mr. Attorney General.

Letter from Col. Fox, Oct. 18 last, read.

Letter to the Bishop of London, with enclosures, signed and sent. Acts of Barbados, Jan., Feb., March last, considered.

Mr. Attorney General's report on the Acts of Maryland, April 26 last, read and those Acts considered. Mr. Jno. Field and Mr. Theodore Egleston appearing, as they have done formerly, in opposition to the first of the said Acts, imposing a duty of 40 lb. of tobacco per poll upon all persons towards the maintenance of an established ministry, and saying they had something further to offer, they were directed to bring it in writing.

- Jan. 15. Letter to Mr. Secretary Vernon containing an abstract of several passages in the Earl of Bellomont's late letters was agreed upon and ordered to be transcribed.

Some directions were given in order to preparing a letter to Mr. Gray. [*Board of Trade. Journal, 13. pp. 311-319; and 98. Nos. 7-9.*]

- Jan. 14. **31.** Council of Trade and Plantations to the Bishop of London.
Whitehall. We enclose two extracts (See *A. and W. I.*, Oct. 17 and 19, 1700) of what Lord Bellomont has lately signified to us concerning his suspending Mr. Smith, and as the character there given of him is so ill that it may probably be thought fit not only that he be suspended but removed, we refer it to your Lordship's consideration to recommend some more worthy person to that place. There is also a word relating to Lord Bellomont's reconciliation with Mr. Vesey. [*C. O. 5, 1118. p. 104; and (rough draft) 5, 1079. No. 62.*]

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Jan. 14.
Whitehall.

32. William Popple to Sir Thomas Trevor. The Council of Trade and Plantations desire your opinion in point of Law upon an Act of Barbados, Sept., 1700, intituled an Act for Remission of Fines of the late Grand Sessions. [*C. O.* 29, 7. p. 216.]

Jan. 14.
Antigua.

33. Governor Codrington to the Council of Trade and Plantations. I found myself under a necessity of enquiring into Col. Norton's conduct as soon as I arriv'd at St. Christopher's, so many complaints being made to me against him, and there being such evident effects of his folly, avarice and violence. I was convinced it could be impossible to put the poor ruined people of that island into any tolerable order whilst he continued at their head. Your Lordships I presume upon the Minutes I send you will be satisfied. He had a fair and impartial hearing. Mr. Cole's articles against him being fully proved, and one of them including no less than a breach of the Acts of Trade, it was needless to have a formal examination of other charges against him, tho' there were some of great importance, as his passing a law for raising of money (part a present to himself) w^{ch} he never sent to the then Governor in Chief to be confirmed and sent home; his seizing a shalop and taking her wholly to himselfe without condemnation in a Court of Admiralty, his barbarous usage of his soldiers by making them work whole weeks in his cane-peece for nothing whilst they were starving for bread and pay; his exercising the Deputy-Marshall office, or taking a deputation of it from the Marshall and making a fellow act under him without any power at all, who could not write or read and consequently could make no return of writts, his forcing a poor old decrepit soldier to give him a negro for his discharge. This will make your Lordships angry; some other passages would make you smile, for the noble Governor would condescend to plunder even for a pound of soap, as well as sho buckles. I humbly beg you will send me the King's orders in relation to the 500*l.* forfeiture, w^{ch} Col. Norton must pay according to the Acts of Parliament before he be sett at liberty. *Signed*, Chris. Codrington. *Endorsed* (Letters of Jan. 11, 14, 15th (=12th), Recd. 7th, Read 29th April, 1701. 2 pp. *Enclosed*,

34. Copy of proceedings of Governor Codrington in Council at St. Xopher's against Lt. Gov. James Norton. Dec. 6, 1700. John Cole, Solicitor, proceeded to prove the petition he presented, setting forth that (1) Col. James Norton did illegally imprison Jedediah Hutcheson, now and late Speaker of the Assembly, and deny him bail, when the crime alleged for his commitment was bailable; (2) that he arrested Christopher Flemming and John Tomma, at the suit of men—Daniel Birchall and Lt. Bastian Branch—who knew nothing of it, neither was there any cause of action; (3) that he did most inhumanely beat and wound Richard Probe, a Planter and David Lloyd, John Parke, and others; (4) that he oppresses H.M. subjects by extortion, demanding

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money for licences of marriage, and clearing vessels which came in only to water. (Evidence given by Thomas Windar, Jos. Percivall and Capt. John Panton.) (5) That he called the gentlemen of the Assembly rascals, rebels and traitors, and when they demanded who were the persons he so scandalously reproached, he suddenly dissolved them, July 31, 1699. Lieut. John Poyson declared that the Governor, being very much in drink, did say that those who had taken the oath were rogues, rascals and villains. Mr. Jedediah Hutchinson explained that they had taken an oath to keep secret their debates, some things which had past in their House having been revealed to the Governor. (6) That he did seize upon one of H.M. subjects, tho' a resident among the French, for piracy and force from him, before conviction or attainder, all his gold and money, even to the very buckles of his shirt and then left him at liberty, so that he made his escape. Confirmed by John Peteres, Dep. Secretary, and Robert Mullins, constable. Col. Norton said that he brought the man seized by him to the Old Road and delivered him into the custody of the Marshall without a Mittimus, to be detained until he ordered a Mittimus to be writ, to send him to the Fort, which he intended to do next day. (7) That, out of an avaricious desire to share the profits of the Testator's goods, he granted several of his creatures letters of administration, when there were wills in being, viz. to Tho. Bisse and John Morehouse in the case of Thomas Bisse sen. and one Palmer. *Evidence of* Christopher Flemming, Capt. James Brown, John Morehouse, Capt. John Panton, James Biskett, Mary Slowman, Thomas Bisse. (8) He illegally imprisoned petitioner, John Cole, on pretence of a breach of an Order of Council for not mending the Highways. *Evidence of* David Lloyd, Capt. John Perrie, Provost Marshall, Francis Kinsey, James Rawleigh. (9) That he permitted a foreigner of a Dutch or Danish vessel, not qualified as the Acts of Trade direct, to import on the English part of St. Xpher's divers negroes and merchandise etc. *Evidence of* Capt. Michael Lambert, William Mead, Commissioner of Customs, John Hutchinson, junr., William Willett.

Dec. 10. Old Road. Before H.E. and Council. George Leonard, Governor of Anguilla, and his brother Phillip. (*Note in Codrington's hand*:— There are about 100 men on Anguilla. This Leonard is an honest old Sloop man and being now retired to y^t Island, and having ye best Cotton Plantation there, was made Governor by my Father. He is ye best Pilote in all ye Islands, and very useful by y^t experience he has to ye King's ships in these parts.) Col. Norton bullied witness into signing indentures of

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servitude, after which he was forced to work in the fields as a slave, almost naked and half starved. Once or twice a week Col. Norton caused him to be whipt in the pillory and the pickle of beef brine to be put on his sores. George Leonard obtained his release on payment of 18*l*. On his coming to pay his respects to the Lieut. General, Col. Norton taxed him with having come to make complaints against him, swore at him, "gave this deponent a fulch on the syde with his cane and swore he would run him through, cut off his ears and send him home," etc. Col. Norton and his Counsel were heard, and Col. Jos. Crispe admitted that it was his opinion in Council that Mr. Cole should be apprehended for his contempt. The Council gave their opinion that Col. Norton had had a fair hearing and the articles alleged against him were sufficiently proved. Then H.E. in accordance with the advice of H.M. Attorney and Solicitor Generals suspended Col. Norton from the execution of his Government and ordered that he should enter into recognizances of 1500*l*. to answer the mattters aforesaid. *Note by Codrington.* Upon his refusing, I committed him to the Provost Marshall, where he shall continue till your Lordships' directions. *Endorsed, Recd. 7 April, 1701. Copy. 12 large pp. [C. O. 152, 4. Nos. 13, 13.i.; and (without enclosure) 153, 7. pp. 160, 161.]*

Jan. 14. 35. Abstract of preceeding and of Col. Codrington's Letters of Jan. 11 and 15 (*See* 12th). With marginal notes for reply. 2 pp. [*C. O. 152, 4. No. 14.*]

Jan. 14. 36. Journal of Assembly of Barbados. The House met according to adjournment, but, only 13 members appearing, adjourned for a week. [*C. O. 31, 6. p. 423.*]

Jan. 16. 37. Council of Trade and Plantations to Mr. Secretary Vernon. Whitehall. *Summarises for his information Lord Bellomont's account of his Conference with the Indians at Albany and the outbreak of the Dionondades (See Cal. A. and W. I. 1700). Signed, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [C. O. 5, 1118. pp. 105-108; and (rough draft) 5, 1079. No. 63.]*

Jan. 16. 38. Governor the Earl of Bellomont to the Council of Trade N. York. and Plantations. Your Lordships will meet with the reason of this ship's stay till now in my letter to the Admiralty. A foot messenger arriv'd last night from Albany and brought me the good news of a bargain made with the Sachems of the Mohack Indians. I send a copy of Mr. Freeman's letter. He is the Dutch Minister of Schenectady, and a very good sort of man. Mr. Schermerhoorn is a very sensible man, and has manag'd this bargain very skilfully. The design was so privately carried

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between him and his partner and myselfe, that not a man of the Antileisler party knew or dreamt of it, till it was actually concluded and the felling of the masts begun. I am satisfied had I employ'd Schuyler or any of his party to make the bargain with the Mohacks for their woods, they would not have done it without finding their account in it, to the King's cost. And if they had had the wind of my employing Mr. Schermerhoorn and Beeckman, they would have been spiteful enough to have puzzl'd the bargain all they could.

I have three very useful designs on the carpet, which will be much for the King's service, viz. the furnishing of Naval Stores from hence, (wherein I doubt not of success in the whole as in the article of masts, yards and boltspritts, which is a part, and for which there is demonstration by what the undertakers for masts have already done), provided you give me that support which you have often promised, in getting the Vacating Act approv'd by the King, and sending new orders to me and the Assembly to break all the rest of Fletcher's extravagant Grants of Land, and some others made by former Governors. I do not desire new orders upon my own account for I know the former are vallis, but to animate the Assembly. My second design is to invite the Onagongues, or Eastern Indians, to come and settle at Schackhook in this province, and to make a perpetual league and friendship between them and our Five Nations, by which means I will strengthen our Indians, and disappoint the French of those Eastern Indians, who were as so many swords in their hands against us. For this purpose I made use of Col. Schuyler's brother, who has an interest in our Schackhook or River Indians, that are to be the instruments to prevail with those Eastern Indians to come and settle at Schackhook. What progresse Col. Schuyler has made in that matter, your Lordships will learn from his letter to me, which I received last night. My third design is to ingage the Dowaganhas, Twictwicts, Dienondades, and all those numerous Nations in a Trade with us, which the French by their Missionaries have at present monopoliz'd, but I hope in a year's time to be able to give your Lordships a good account of those Nations, if I may be allow'd to use my own methods, and that I be well supported by your Lordships. If I can bring things to bear according to my expectation and hopes, I fancie I may once within a year tell your Lordships you may set the French at defiance and laugh at all their projects to circumvent us, their new settlement at Mechisipi and Canada, and Nova Scotia put together. In order to this design, the beaver trade ought to be encourag'd by the Parliament, all duties wholly taken off both here and in England from beaver and other peltry exported from this Province. Some French Marchands, lately come from England to live here, assure me that the French King, to encourage the beaver trade, had ordered the Parliament of Paris to put forth (un arrest the French call it) an Act requiring all the hatters to mix a certain quantity of beaver's fur in all their hatts, under a severe penalty, which is a wise course; and I wish our Parliament would take such a course to help the consumption of beaver,

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which at present is grown almost out of use in England, since Carolina hatts have been so much, and beaver hatts so little, in fashion.

I am extremely importun'd to erect a Court of Chancery, many people like to be ruin'd for want of one. I shall therefore very soon settle that Court, tho' I should make no decrees till the arrival of the Judge and Attorney General. But at present I am much inconvenienc'd by the want of five Councillors, for under that number I cannot hold a Court of Chancery. The Council are now but seven. Col. Schuyler never comes near us, and lives 150 miles off at Albany. Mr. Livingston lives there too, but comes pretty often hither, when the season of the year permits; Col. Smith comes as seldom as he can, and lives a 100 miles off. And Mr. Graham tho' but 8 miles off, has not been here almost these five moneths. So that we have but three members of the Council that I can be sure of attending, if the occasion were ever so important. I must therefore (since the King's Instruction allows not to add to the number of seven Councillors) suspend two of the present Council that will not attend, and add Mr. Weaver, who as Collector ought to be one, and Mr. William Lawrence, of Newtown in Queen's County in Nassau Island, an honest, understanding man, to be the other. Mr. Lawrence has a good estate, and must be distinguish'd by the place of his dwelling from another of the same name and surname, who has not so good a character. *Signed, Bellomont. Endorsed, Reed. 24 Feb. Laid before the Board, 14 March, Read 31 March, 1701. Holograph. 2 pp. Enclosed,*

38. i. Abstract of preceding. 2 pp.

38. ii. Governor the Earl of Bellomont to the Lords of the Admiralty. The ship that carries this was hindered from sailing by the great quantity of ice that came down the Rivers, so that she was forced to save herself in the Creek where the King's ship is laid up. The two undertakers for masts have, according to my Instructions, bargained with the Mohack Nation for their woods in behalfe of the King, so that your Lordships may now depend on being cheaply supplied with masts, bolt-sprits and yards of all sizes, and in what quantity you please. Your Lordships will, I presume, give me your directions to contract with the undertakers for the term of seven years, which is the least encouragement which can reasonably be given them for their honest service. You will see how good a bargain they have made for the King, for the King is to have the woods for ever, without paying anything for them. They write me word they have provided one mast of 38 inches diameter, which is an inch more than the biggest mast in Mr. Taylor's contract. *Signed, Bellomont. Endorsed, Reed. Feb. 24, 1701. Copy. 3/4 p.*

38. iii. Copy of contract made with the Mohack Indians for their woods (*referred to in preceding*), Schenegtade, Dec. 26, 1700. *Signed* by eleven praying Maquaes (their

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marks), in the presence of B. Freerman, Joha. Sanderts Glen, Adam Vrooman, Harmen Vedder. *Same endorsement. Dutch. 1½ p.*

38. iv. English version of preceding. *Same endorsement. 1½ p.*
38. v. B. Freerman to Governor the Earl of Bellomont. Schenegtade. Jan. 6, 1700. I have received your Excellency's letter of Nov. 15, 1700. I shall use my utmost to intreat the Indians to be firm in their allegiance to H.M., and forasmuch as appears to me, they are good subjects to H.M., whereof they desire me to give your Excellency an account. There are not above 100 Maquasse, 36 whereof have imbraced the Christian Faith, 10 whereof thro' the grace of God are brought over through my means. *Signed, B. Freerman. Same endorsement. 1 p.*
38. vi. Capt. Schuyler to Governor the Earl of Bellomont. In obedience to your letter, Nov. 7, when the Indians from Schackhook had returned from hunting, I appointed Jan. 3 for their chief Sachems to meet at my house, and told them, with seven hands of wampum, that your Lordship desires three of them to go to the Onnogongwaes with a fine Belt of Wampum and invite them to come and live here at Schackhook and enter with them and the Five Nations in the Covenant Chain, and to assure them of the King's protection and your Lordship's kindness so well in presents as others, and to perswade the Onnogongwaes to send four or five of their chief Sachems hither to treat with your Lordship at New York on April 1st. They made answer that they were very glad to see their father striving with such care for to make them a great Nation; and that instead of three men, they resolved to send four, gave 10 deer skins and desired five days' time to appoint Indians with such necessities as that journey requires. To-morrow I expect the names of the Indians appointed, and therefore went to Mr. Mayor, desiring him to stop the Post till then, which could not well be done. I am informed by two Frenchmen lately come from Canada, that the Governour there makes preparacion against next summer to settle two Forts upon Cadarackque River, to take up such as run away from Canada towards Ottowawa without the Governor's liberty. There are several French at the North end of the wood Creek, waiting for others which they expect from Canada upon the same design as the Frenchmen are who were by your Lordship last fall at New York, of which here is still one at my house. There is also a considerable number of French Indians a hunting. If your Lordship hath any commands to Canada or that way, be pleased to order me, who intends thither shortly. *Signed, Johannis Schuyler. Same endorsement. Copy. 1½ p.*

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38. vii. Muster-roll of Capt. Weemes' Company of Fuzaleers. Albany. Jan. 1, 1701. *Signed*, James Weemes, Hen. Holland, Richard Brewer, P. Schuyler, J. Johnsen Bleecker, Mayor. 1 p.
38. viii. Muster-roll of Major Richard Ingoldesby's Company of Granadeers. Albany, Jan. 1st, 170 $\frac{1}{2}$. *Signed*, J. Bennett, Matthew Shanke, John Bulkley, P. Schuyler, J. Johnsen Bleecker, Mayor. 1 p. Nos. vii. and viii. *Endorsed*, Recd. Feb. 24, 170 $\frac{1}{2}$. [C. O. 5, 1046. Nos. 3, 3.i.-viii.; and (without enclosures) 5, 1118. pp. 241-247; and (abstract, with marginal notes for reply) 5, 1133. pp. 148-150; and (duplicates of iii. and iv.) 5, 1083. Nos. 62, 63; and (duplicates of letter and v., vi.) 5, 1044. Nos. 40, 40.i., ii.]

Jan. 16.
New York.

39. Governor the Earl of Bellomont to Mr. Secretary Vernon. I refer you to my letter of this date to the Lords of Trade. I am in hopes you will still be my good and just friend to recommend my services to the King, and that by your influence I may not always labour in vain. I desire upon this occasion to mind you of a rule in equity which I heard or read of somewhere, *Onus qui sentit, sentire debet et commodum*. *Signed*, Bellomont. *Holograph*. 1 p. [C. O. 5, 1044. No. 41.]

Jan. 16.

40. Observations on the Maryland Act for Religion as it relates to vestries. There is no reason for a select vestry but where the inhabitants are numerous. The method of surviving vestrymen supplying their number by choice of new vestrymen excludes the inhabitants of their rights to vote and consent to matters concerning themselves. The power of fining vestrymen for not taking the oaths is not reasonable, in that it excludes all Quakers from the benefit of affirmation allowed by the Law of England. The power of vestrymen choosing the Church Wardens is contrary to the Law of England, by which the Minister chooses one and the parishioners the other, but by custom in some parishes the parishioners choose both. That vestrymen should sue or molest any one and pay noe costs of suite or fees unless they recover, is contrary to law and unreasonable, for thereby they will be encouraged to be vexatious. *Signed*, Edw. Northey. *Endorsed*, Recd. Read Jan. 21, 170 $\frac{1}{2}$. *Copy*. 1 p. [See No. 51, Jan. 21.] [C. O. 5, 715. No. 22; and 5, 726. pp. 25, 26.]

Jan. 16.
Whitehall.

41. Council of Trade and Plantations to the King. Lord Bellomont having acquainted us with the complaints that have been made by the Officers and soldiers at New Yorke, upon account of there being deducted out of their pay 30 per cent. (arising by the advance of money returned from hence thither) which is applied to the maintaining of a chaplain, a surgeon, a store-keeper, an armourer, a master-gunner, two matrosses, and to the contingent uses of the said companies and garrisons; we humbly represent that the said deduction was first made upon the establishment of two companies of 50 men in each

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and did then amount to £553 4s. 11d. But whereas your Majesty has been lately pleased to establish there four companies of 100 men in each, a deduction of 10 per cent. of the increased charge will amount to 709l. 6s. and suffice to pay the foresaid charge and leave a greater overplus than formerly for such contingent uses, so that the companies may have the further benefit of 20 per cent. arising by the returns above-mentioned, which as it will be a great encouragement to them, without any charge to your Majesty, we most humbly propose that your Majesty would give such directions therein as to your Majesty in your great Wisdom shall seem meet. *Signed*, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [C. O. 5, 1118. pp. 109, 110; and 5, 1079. No. 64.]

Jan. 16.
Kensington.

42. Order of King in Council, approving the above Representation of the Council of Trade and Plantations, and ordering a new additional establishment to be prepared for the pay of the four Companys at New York, together with the charges of a Chaplain, Surgeon, Storekeeper, Armourer, Master Gunner, and Matrosses there, as proposed, and that the person or persons concern'd in the account of the pay of the said Companys do give an account yearly of the disposal of the said ten per cent. to the Rt. Hon. the Lords Commissioners of the Treasury and to the Lords Commissioners of Trade and Plantations, and William Blathwayt, Esq., H.M. Secretary at War, is to prepare the said additional establishment for H.M. approbation and royal signature accordingly. *Signed*, examined by John Povey. *Endorsed*, Reed. 21. Read 29 Jan. 170¹. 1 p. [C. O. 5, 1045. No. 13; and 5, 1118. pp. 114, 115.]

Jan. 16.
Whitehall.

43. Journal of Council of Trade and Plantations. Representation on the deduction of 30 per cent. signed and sent.

Letter to Mr. Vernon signed and sent.

Jan. 17.

Directions given for preparing a Representation upon the Revenue of Jamaica.

Letter to the Treasury as to the charges and salaries of this Office signed. [*Board of Trade*. Journal, 13. pp. 319, 320; and 98. Nos. 10, 11.]

Jan. 17.
Antigua.

44. Governor Codrington to the Council of Trade and Plantations. Since I closed my letter, I received ye letter I send you by an express sloop from Montserrat. I should think myself wanting in my duty if I did not comply with ye request of ye Councell, and shall therefore despatch a Commission for Col. Hodges, who, I believe, is better qualified for ye post than any soldier of fortune, like wd. accept it at home. He has been very active in all the expeditions during ye late war, and is, as I'm assured, very affectionate to H.M.'s person and government. The gentlemen of Montserrat are very far from being a factious people, who pretend to choose for themselves, for it must be said in justice to them

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they have alwise distinguisht themselves by their respect to the Commander in Chief and their [*kindness*] to their own Governor above all the other [*islands*]. They have had five governors successively [*who cost*] them more every year than my father co[*st* the] whole government in ten years' service. [*So I*] hope your Lordships will think they ought to [*have*] a little respite now and to yt end confirm Col. Hodges in his government. *Signed*, Chr. Codrington. *Endorsed*, Recd. 9, Read 30 April, 1701. *Holograph*. 2 pp. *Corner torn. Notes for reply on p. 3. Enclosed*,

44.i. Council of Mountseratt to Governor Codrington. Mountseratt, Jan. 11, 170 $\frac{1}{2}$. Announcing the death of the Lieut. Governor Col. Thomas Delavall, and praying for the appointment of Col. Anthony Hodges. The Island for some years past has been very unfortunate in having in the government strangers and men of no estate or interest among us, to maintain whom we have had to raise large sums of money, which might have been disbursed on fortifications and stores of arms. We are at present in great want of the latter, and the former have been for some years neglected, to both which we can think of no better remedy then by having some person of interest in the Island to be our Lieut. Governor, as Col. Hodges, to who it falls at present to preside in Council. *Signed*, Edw. Parson, Wm. Fox, Thomas Lee (?), John Scott, William Frye. 2 pp. [*C. O.* 152, 4. *Nos.* 15, 15. i.; and (*without enclosure*) 153, 7. pp. 164, 165.]

Jan. 17.
Whitehall

45. Council of Trade and Plantations to the Lords Commissioners of the Treasury. From the time of first passing our Commission which is now near five years, we have not laid before your Lordships any account of the incident charges of our Office, nor has anything been advanced towards those expences except the 450*l.* imprest money for which our Secretary has prepared an account to be past in the ordinary methods of the Exchequer. The Post Officer and Stationer are very urgent with us for their payment. We are further to entreat your Lordships in behalf of our Secretary, Clerks, and other officers, whom we find omitted in the distribution now to be made to our Board of half a year's payment, whereby they are above one year and a quarter in arrear, which puts them upon great hardships, many of them having families to maintain, their salaries being very small and there being no fees of profit annexed to their employments. We beg you to appoint these so much of their arrears, which amount to 1,362*l.*, as you shall think fit. *Signed*, Stamford, Lexington, Phil. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. *Annexed*,

45. i. Incidents and salaries referred to above. *Signed as preceding*.

45. ii. Petition of the Clerks and under Officers attending the Board to the Council of Trade and Plantations. Petitioners have very much suffered by giving their whole

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time to the service of this office, whereby they are disabled from doing anything else to help them to live, by the great arrears always due to them, by the great deductions of fees and taxes upon receipt of their salaries, by having no fees as in other offices, and by being obliged to borrow money on excessive termes and break their promises to their creditors, etc. [*Board of Trade. Miscellanies, 11. pp. 96-102.*]

Jan. 17. 46. Bill of Wm. Churchill, Stationer, April 13, 1699-June 25, 1700. *Endorsed*, Reed. Jan. 17, 1701. 2 copies. 3¼ pp. each. [*Board of Trade. Miscellanies, 1. Nos. 44, 45.*]

Jan. 18. 47. Minutes of Council of New York. H.E. being informed that the Master and Mate of the *John and Henry*, lately arrived, have had some difference, by which it was discovered that the Master had a design to dispose of great part of the cargo, they and the crew were examined and the dispute settled.

The petition of the Mayor and Alderman of the City of New York having been heard and debated, H.E. and Council were of opinion that it wholly contained matter of property and that his Board are not judges thereof. [*C. O. 5, 1184. pp. 407-409.*]

Jan. 19. 48. Draught of a letter for H.M. signature to the Earl of
Hampton Bellomont. Whereas we have been informed that great spoiles
Court. are daily committed in the woods of New Hampshire and Province of Main and other parts within your Government of the Massachusetts Bay, by cutting down and converting to private uses such trees as are or may be proper for the service of our Royal Navy, our Will and Pleasure is that you use your endeavours with our respective Councils and the General Assemblies of the Massachusetts Bay and of New Hampshire to dispose them to pass Acts for preventing the further spoil of those woods and for preserving a nursery of such trees as may be useful for our service ; and in case you cannot prevail with them, that you send over hither the heads of such a Bill as may be effectual for those ends and fit to be enacted here. *Countersigned*, Ja. Vernon. [*C. O. 5, 909. pp. 348, 349.*]

Jan. 20. 49. Governor Blakiston to the Council of Trade and Planta-
Maryland. tions. I am to acknowledge the honour of your Lordships' of May 17. I shall constantly transmit lists of ships inward and outward, and will observe yr commands as to sending private acts separate from publick. It was not in my power to performe H.M. commands in my going to New York to consult with my Lord Bellomont about a trade with ye Indians. Notwithstanding I had been very sick all ye summer, I set forward from this place with Col. Nicholson, Sep. 14, but after I had got to Burlington, 20 miles above Philadelphia, I was taken very ill with a relapse of my fevour, that it was not possible for me to proceed. My illness was very sharp, that it was with great

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difficulty and some time before I reached home, where I have continued much indisposed ever since. I have also received your letter of Aug. 1, but this is the first ship that has gone from hence, being loaden with new tobacco, and I have in the best method I am capable enumerated ye proceedings of the Courts. I have already represented ye difficulties which attend my having a due number for a meeting of ye Council, since which there is dead a few days ago, Col. Henry Jowles, Col. Charles Hutchins, and Mr. Thomas Tasker, about four months agoe, so that now it will be impossible for ym to have ye number of Councillors I am instructed to, without others appointed. The last meeting of ye Council, which was ye 13th of last month, I acquainted them of this difficulty I laboured under, and desired they would assist me in representing four fit persons:—Thomas Lawrence, Col. Edward Loyd, Col. von Holland, and James Sanders, have all approved themselves zealous in H.M. interest here. I have sent a list of these to Mr. Sec. Vernon. *Signed, N. Blakiston. Endorsed, Reed. April 29, Read May 6, 1701. Holograph. 2½ pp. Addressed. Enclosed,*

49. i. List of the Council of Maryland. 1 p. *Endorsed, Reed. April 29, 1701.*

49. ii. A scheme of the Judicial Proceedings of the Courts of Maryland. 3¼ *large pp. Same endorsement.*

49. iii. Abstract of above letter. ½ p. [*C. O. 5, 715. Nos. 21, 21.i.-iii.; and 5, 726. pp. 50-65.*]

Jan. 20. 50. Additional establishment relating to the Four Companies
Hampton Court, in New York. (*See Jan. 16*). Given at our Court at Hampton Court, Jan. 20, 1700. *Countersigned, Wm. Blathwayt. Endorsed, Reed. Read 31 Jan., 1700. 2 pp. [C. O. 5, 1045. No. 14; and 5, 1118. pp. 117-119.]*

Jan. 20. 51. Journal of Council of Trade and Plantations. Upon intimation that the Lord President and Mr. Secretary Vernon intend to be at this Board on Wednesday in order to some deliberations relating to the boundaries between the English and French in Hudson's Bay, ordered that the Deputy Governor of the Hudson's Bay Company have notice to attend then, together with any other members of that Company that he thinks fit.

Representation about the Forts and Fortifications in H.M. Islands in America considered.

Jan. 21. Representation upon Mr. Crown's petition agreed upon. Mr. Haistwell, Mr. Eccleston and Mr. Field exhibited to the Board a paper containing Mr. Northy's opinion on the Maryland Act for Religion and left a copy thereof. They also laid before the Board some observations on the said Law drawn by themselves from Dr. Bray's Memorial, which were read. They added that it being now eight years since the first enacting of that or the like Law, and the same having been several times repealed here and as oft re-enacted in Maryland, there has by that means been above 30,000*l.* levied, which ought not to have been.

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Capt. Bennet said that the Board of Ordnance declined to do anything without H.M. Order (*See Journal*, Jan. 13). He also said that he is to have his passage by H.M.S. *Lincoln*, by which any stores may be conveniently sent without the charge of freights. Copy of his memorial ordered to be sent to Mr. Secretary Vernon for H.M. directions thereupon. Letter accordingly drawn and ordered to be transcribed. [*Board of Trade Journal*, 13. pp. 321-324; and 98. Nos. 12, 13.]

Jan. 21. 52. Some observations [*by the Quakers*] on the Law in Maryland for 40 lbs. of tobacco per pole [*the Maryland Act for Religion, and upon*] Dr. Bray's Memorial to the Archbishop. There is no need for such a vast sum to be imposed on the Planters, because, as Dr. Bray says, the people will out of pure devotion subscribe a plentiful maintenance. There is, saith Dr. Bray, so great an inclination to embrace Xtianity among many Quakers that, say we, there needs no law to compel them. Those Colonies, as Dr. Bray observes, consisting chiefly of Quakers or such as for want of the Gospel being preached among them are in a manner of no religion, it's not reasonable, as he truly saith, to expect that a people before they are converted and understand the advantages of true Religion, should be induced to maintaine its ministry. If this Law be disallowed, those that are willing may allow their ministers 500*l.* per man if they please, the Quakers will not complain. And considering the vast sums that have been raised in Maryland in 7 or 8 years this law hath been executed there, altho' never allowed here, we hope it will not seeme reasonable to allow it now, considering how few missionaries have been there to be maintained out of the great summes of 40 lbs. tobacco per poll. *Endorsed*, Recd. Read Jan. 21, 170*l.* 1½ pp. [*C. O.* 5, 715. No. 23; and 5, 726. pp. 19-21.]

Jan. 21. 53. Mr. Secretary Vernon to the Council of Trade and Plantations. I have laid before the King your letter of 10th inst. together with your Representation about the Fortifications in North America, as also your letter of the 18th, relating to the Indians; and H.M. approving your proposal that 500*l.*, part of the 2000*l.* allowed by H.M. towards the Fortifications at Albany and Schenectady, should be forthwith advanced to my Lord Bellomont by the hands of his Agent there, the better to enable him to proceed in those workss, and that some person should be appointed upon whom Bills might be drawne for the remaining 1500*l.*, according to the course of Merchants, H.M. has commanded me to signify his pleasure to the Lords Commissioners of the Treasury that they do give the necessary orders for the payment of the said 500*l.*, to my Lord Bellomont's Agent, and that they acquaint him whom they have made choice of for answering the residue.

H.M. has taken notice of what your Lordships mention of the disorder the governments of the two Jerseys are in, and that they are without Governors qualified by Law, and his Majesty would be informed by you what is the cause thereof, and what is

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fitt to be done to remedy the same. I have likewise layd before the King your letter of the 13th, and by H.M. command have writt to my Lord Romney to acquaint him with the ill-condition of the Beds lately sent to my Lord Bellomont for the use of the soldiers, and to signify H.M. pleasure that the necessary directions be forthwith given for 100 beds more, with coverings and sheets, to be sent to my Lord Bellomont as soon as may be, and that due care be taken in packing them up. I returne the letters to the Governors with duplicates signed by H.M., which your Lordships will order to be sent to them with the first opportunity. *Signed*, Ja. Vernon. *Endorsed*, Reed. Read Jan. 23, 170 $\frac{1}{2}$. 2 $\frac{1}{2}$ pp. [*C. O.* 5, 1045. No. 11; and 5, 1118. pp. 111-113; and (*Memorandum of preceding only*, $\frac{1}{4}$ p.) 5, 1045. No. 35; and (*Memorandum only*, $\frac{1}{4}$ p.) 134, 2. No. 28; and *Board of Trade*. Newfoundland, 4. No. 21; and (*Memorandum only*, $\frac{1}{2}$ p.) *C. O.* 5, 1260. No. 87; and (*Memorandum only*. *Slip*) *C. O.* 5, 715. No. 25; and (*Memorandum only*, $\frac{1}{2}$ p.) *Board of Trade*. Plantations General, 5. No. 82.]

- Jan. 21. 54. Minutes of Council of New York. H.E. proposed to the Board the absolute necessity of appointing an officer of the Customs to watch the towns of Oyster Bay and the adjacent harbours and creeks on Nassau Island, into which great quantities of goods are dayly imported, whereby H.M. is defrauded of his revenue in this Province, which the Council approved of, and H.E. appointed Nathaniel Coles to be Surveyor and Searcher of the Customs on the Island Nassau at the salary of 30*l.* per annum, who took the oaths etc. appointed.

H.E. acquainted the Board with the proceedings (Dec. 14, 1699, and June 21, 1700) about a Chief Judge and Attorney General being sent from England, and, understanding that they intend hither early in the spring, was of opinion that it would be proper for easing the Province of an unnecessary charge, to supersede the present Cheif Justice and Attorney Generall and that their present salaries cease from Dec. 25 last. Ordered accordingly.

Officers' salaries (*enumerated*) paid.

Payments ordered to Jacob van Noorstrandt for iron-work; Mayon Taylor for coats for the Custom House barge-men; to Jonathan Davis for sweeping chimneys in the Fort; to Daniel Messuard for necessaries for the sloop which carried H.E. to Albany; to Thomas Swiney for work done in Fort Henry; to Jacob Mawritz and Johannes Provoost, for interest on money levied from him and repaid by order of her late Majesty in Council, Oct. 21, 1699. [*C. O.* 5, 1184. pp. 409-412.]

- Jan. 21. 55. Journal of Assembly of Barbados. Mr. Abell Allyne was chosen Speaker. Petitions of Edward Cordwent, Edward Lascelles, Nicholas Baker, Sam. Nockold, Henry Tildersly, Wm. Godman, John Grove, Thomas Ward, Capt. Thomas Beckles

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and Joseph Hole for drawbacks on wine imported and turned eager or exported, granted.

Petition of Edward Lascelles dismissed.

Act for securing the possession of negroes ordered to be continued for three months. [*C. O.* 31, 6. *pp.* 424-426.]

Jan. 21. 56. Minutes of Council in Assembly of Barbados. Petition of James Cowse granted.

Major Manifold Howe brought in the wants and defects of the fortifications of St. Peters and St. Lucie's devison.

Writ of error, Baylie v. Baylie, read. The Justices ordered to return the judgments and papers relating thereto into the Secretary's Office. The Provost Marshal ordered to attend H.E. and this Board with the execution next Council day.

Jan. 22. Bill to continue an Act to secure the peaceable possession of negroes and other slaves to the inhabitants, and to prevent and punish the clandestine and illegal detinue of them, sent up, was read three times, passed, and received H.E. consent.

Petition of nine of the pirates which came in the *Vine* Pinck, Thomas Warren, Commander, was read, praying that they might be at liberty to go to their own habitations. Referred to the Attorney and Solicitor General.

Opinion of the Attorney and Solicitor General demanded, whither H.E. and Council cannot order Alexander Skene, Secretary, to appoint a proper person to officiate for him as his Deputy, he being very unready, not only in taking the Minutes of the Council, but in reading also any the Acts, Petitions, or other papers depending and brought before this Board by which all the publick affairs are very much delayed and retarded. The Attorney and Solicitor General gave their opinion that H.E. and Council are proper Judges whither Mr. Skene is capable to discharge the trust reposed in him as Secretary to this Board, and, if you be of opinion that he is not qualified, then may well demand him to make a sufficient Deputy. And if you find him incapable to discharge such trust, you may appoint a fitting person to discharge it, until H.M. pleasure be known. This matter ought to be with all convenient speed represented to H.M. *Signed*, E. Chilton, Rich. Turner. [*C. O.* 31, 6. *pp.* 389, 391.]

Jan. 22. 57. Council of Trade and Plantations to Mr. Secretary Vernon.
Whitehall. Enclosing Capt. Bennett's Memorial (Jan. 13). "Upon which wee desire you to propose to H.M. as our opinion that for the present direction be given to the Board of Ordnance for sending thither 30 barrells of powder, 100 firelocks, with musket-ball proportionable and five flags. The supply will be now more seasonable, there being an opportunity of transporting the same without any charge of freight by H.M.S. *Lincoln*, which is now ready to sail with the Governor for Bermuda from Portsmouth, from whence he may immediately be furnished with these stores. And as to the other particulars contained in the Memorial, we humbly offer that Capt. Bennet upon his arrival there do

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immediatly inform himself of the state of those fortifications, guns and stores of war, and if he have no other opportunity, that he immediatly despatch a Bermuda sloop with an account thereof to H.M. *Signed*, Stamford, Lexington, Phil. Meadows, Wm. Blathwayt, Jon. Pollexfen, Abr. Hill, Geo. Stepney, Math. Prior. [*C. O.* 38, 5. *pp.* 137, 138.]

Jan. 22.
Whitehall.

58. Council of Trade and Plantations to the King. We have examined the title of John Crown to the lands mentioned in his petition, and thereupon humbly report that the Country called Penobscot, lying South-west from the River Sta. Croix, (the ancient boundary between Nova Scotia and New England), appears unto us to have formerly belonged to his father, and to be descended to the Petitioner. But that, in the execution of the 10th Article of the Treaty of Breda, for the surrender of Accadie, or Nova Scotia, to the French, Penobscot was delivered up to them, tho' it be not truly comprehended in the Treaty, as being no part of Accadie, and that they have thereupon claimed a title to it, which has ever since remained in dispute between England and France, whereby the Petitioner has been deprived of the advantage which he might otherwise have made by his right to the Propriety of the said Country, without any compensation from the Crown, either to his father or himself, for the loss arrising to them by the surrender of more than was required by the Treaty. *Signed*, Stamford, Lexington, Ph. Meadows, Blathwayt, Jo. Pollexfen, Abr. Hill, G. Stepney, Mt. Prior. [*C. O.* 5, 909. *pp.* 349, 350.]

Jan. 22.
Kensington.

59. Order of King in Council to admit Samuel Cox to be of the Council of Barbadoes. *Endorsed*, Reed. Read Jan. 29, 1701. $\frac{1}{2}$ p. [*C. O.* 28, 4. *No.* 78; and 29, 7. *p.* 252.]

Jan. 22.
Whitehall.

60. William Popple to the Governor or Deputy Governor of the Hudson's Bay Company. Upon consideration of what was this day offered to the Lords Commissioners for Trade and Plantations by yourselves and other members of the Hudson's Bay Company, their Lordships desire that the resolution of your General Court be taken and communicated to them, whether (in case the French cannot be prevailed with to consent to the settlement of boundaries proposed by your General Court, July 10th last) the said Court will not think fit to consent that the limits on the East side of the Bay be extended to the Latitude of $52\frac{1}{2}$ degrees, with whatever further that Court may think advisable to propose in reference to their own affaires for the more easy settlement of all disputes between the Company and the French in Hudson's Bay. [*C. O.* 135, 3. *p.* 96.]

Jan. 22.
Whitehall.

61. Journal of Council of Trade and Plantations. Lord President and Mr. Secretary Vernon attending. Representation upon Mr. Crowne's petition signed and sent. Representation on the Revenue in Jamaica agreed upon. Letter to Mr. Secretary Vernon, signed, with Capt. Bennet's Memorial, and delivered to him.

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In order to a mature deliberation upon the Maryland Act for the Service of Almighty God, their Lordships appointed to take the same into consideration, Jan. 31st, and ordered that besides the Lord President and Mr. Secretary Vernon, who agreed to be then present, the Archbishop of Canterbury, the Bishop of London, and Mr. Secretary Hedges be also desired to assist therein, and that Dr. Bray have likewise notice to attend at the same time.

Sir Stephen Evace, Mr. Clarke and several other Members of the Hudson's Bay Company attending as directed, delivered a copy of what was agreed (*See* June 12, 1700) by their General Court, July 10 last, which was read. And after some discourse with them about the difficulty that there may probably be to prevail with the French to comply with their desires, and they declaring thereupon that they could not recede from anything contained in the fore-said paper without further directions, their Lordships proposed to them to consider at a General Court whether it may not be advisable for them to consent that the limits on the East side of the Bay, which they would have to be Rupert River, about the latitude of $51\frac{1}{2}$ degrees, should be extended to $52\frac{1}{2}$ degrees or thereabouts.

Ordered that Mr. Champante have notice to attend the Treasury about the money directed by H.M. to be furnished for repairing or building the Forts at Albany and Schenectady, and more particularly for their Lordships' directions upon whom the Earl of Bellomont shall draw Bills for any part of that money, as there may be occasion.

Jan 23. Draught of a letter from the Secretary to the Governor or Deputy Governor of the Hudson's Bay Company, in pursuance of yesterday's Minutes, was approved and ordered to be sent.

Representation about the Jamaica Revenue signed and sent.

Memorial from Mr. Thurston, Agent for the Company of Foot at Newfoundland, relating to the supplies necessary for it, read.

Representation thereon signed and sent to the Council Board.

Letter from Mr. Secretary Vernon, Jan. 21, read. Ordered that what concerns H.M. service at New York be communicated to Mr. Champante.

Memorial from Mr. Hodges and other papers upon the ill administration of Justice in Barbados read, and the latter returned to him. Ordered that copies of this and other papers etc. on the point be sent to Mr. Eyles. [*Board of Trade. Journal*, 13. pp. 324-329; and 98. Nos. 14, 15.]

Jan. 23. 62. Council of Trade and Plantations to the King. Giving Whitehall. an account of the supplies necessary for the Company at Newfoundland, and offering that directions be given to the Treasury and Admiralty accordingly. *Signed*, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney. *Annexed*,

62. i. List of species and quantity of provisions required for the annual supply of the Company of Foot at Newfoundland. [*Board of Trade. Newfoundland*, 25. pp. 399-401.]

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Jan. 23.
Kensington.

63. Order of King in Council. Approving of the preceding Representation and directing the provisions therein mentioned to be gott ready and sent to Newfoundland, and the money forthwith issued requisite for the provisions, clothing, subsistance and contingent moneys for the Company as therein mentioned. *Signed*, John Povey. *Inscribed*, *Mem.* Representation of Jan. 22, on the petition of John Crown, was also read and ordered to be given to Mr. Secretary Vernon. *Mem.* On a presentment from the Commissioners of the Customs, Samuel Cox, one of the Commissioners of the Duty of $4\frac{1}{2}$ per cent. in Barbados, was ordered to be sworn and admitted into the Council there. *Endorsed*, *Recd.* Read Jan. 29, 170 $\frac{0}{1}$. 1 p. [*Board of Trade*. Newfoundland, 4. No. 22; and 25. p. 403.]

[? Jan. 23.]

64. Mr. Hodges to the Council of Trade and Plantations, elaborating his petition concerning the adjournments and delays of the Courts in Barbados (*See Cal. A. and W. I.*, 1700, Dec. 19), praying for a reform of the Courts and, in the meantime, for an Order from H.M. to the Chancery of Barbados directing them to set aside the pretended agreement made by Mr. Pilgrim with Mr. Horne, and to put the suit against Mr. Horne in the same condition as it was before that, provided Pilgrim can show no other authority for making that composition than was given him by the enclosed letter of Attorney; and that they be further ordered to oblige the Executor, Mr. Horne, to give good security of the full value of the Legacy etc., and, in failure thereof, to cause the produce of the Plantation from time to time to be secured; and if the Governor and Council should not obey this Order, that they send over all proceedings in that cause to H.M. in Council, together with their reasons. *Signed*, Tho. Hodges. *Endorsed*, *Recd.* Read Jan. 23, 170 $\frac{0}{1}$. $6\frac{1}{2}$ closely written pp. [*C. O.* 28, 4. No. 72; and 29, 7. pp. 217-235.]

Jan. 23.
Kensington.

65. Order of King in Council, referring the Representation of the Council of Trade and Plantations, Jan. 22, on the petition of John Crown, to Mr. Secretary Vernon. *Endorsed*, *Recd.* Read Jan. 29, 170 $\frac{0}{1}$. $\frac{1}{2}$ p. [*C. O.* 5, 862. No. 36; and 5, 909. p. 370.]

Jan. 23.
Whitehall.

66. William Popple to Francis Eyle. Enclosing copies of the complaints now lying before the Council of Trade and Plantations relating to the administration of Justice in Barbadoes. They desire you to return your answers with what speed you can. [*C. O.* 29, 7. p. 216.]

Jan. 23.
Whitehall.

67. Council of Trade and Plantations to the King. We humbly beg leave to lay before your Majesty some considerations relating to the settlement of your Majesty's revenue in Jamaica. An Act having been past in General Assembly for raising a public revenue for the support of the Government, was confirmed by King Charles II, together with several other laws for the good of the Island, to continue in force for 21 years from Nov. 1683.

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In 1688 an Act of Assembly was past there by the Duke of Albermarle to the same effect, for raising a publick Revenue to the King without any limitation of time. But several disputes arising, and complaints having been made by some Planters and Merchants of that Island, about the elections of Members for that Assembly, who did therefore pray your Majesty in Council that the said Act and all other Acts of the said Assembly might be declared null and void, and the Duke of Albermarle, on the other side, having by his letter alledged many things in justification of the proceedings of that Assembly, your Majesty has been pleased hitherto to suspend any determination upon the said Acts, either for confirming or disallowing of the same, in expectation that the Assembly would pass another Act for raising a perpetual Revenue to your Majesty, against which there might be no complaint or objection, and the Revenue having in the meantime been continued to be raised in virtue of the first mentioned temporary Act, the succeeding Governors have frequently called upon the Assembly to avail themselves of your Majesty's favour herein ; which they have not only neglected to doe, but have shewn an averseness to the perpetuating of the Revenue, and given many intimations of their design to keep it precarious, so that the foresaid temporary Act expiring within very few years, which makes it necessary for your Majesty speedily to declare your Royal assent to or disallowances of the foresaid perpetual Act, we humbly offer that, for quieting the minds of your subjects in Jamaica, and removing the causes of division there, your Majesty would be pleased to give the Assembly a further opportunity of providing a standing Revenue for the support of that Government, in case your Majesty should think fit upon the foresaid considerations to repeale that Act pretended to have been past in an illegal Assembly, and that accordingly a letter to the Governor of Jamaica be prepared for your Majesty's Royal Signature, to be by him communicated to the Council and Assembly, to the effect following ; That your Majesty out of great tenderness to your subjects there, and for quieting animosities amongst them and putting an end to all disputes concerning that Assembly, having hitherto forborne to confirm the Act of 1688, and expected they would thereby have been induced to lay aside their private differences and unanimously have joyned in expressing their duty to your Majesty by passing a New Act for the like purpose, but having found that they have all this while neglected to comply with the Admonitions given them by your Governors in that behalf, and the approaching term of the Act of 1683 making it necessary that some resolution be speedily taken upon the Act of 1688, your Majesty does neverthelesse think fit to give them one year longer to passe and offer to your Majesty such other Act for settling the said Revenue as may be fit to receive your Royal Assent and approbation, according to which your Majesty will be graciously pleased to extend your Royal Confirmation of all the other Acts that are already confirmed for the space of 21 years with the foresaid temporary Act of Revenue ; but that withall your Majesty does expressly declare that in case they shall not

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within the said term comply with your expectations herein, your Majesty will find yourself obliged to give your Royal confirmation to the Act of 1688. Unto which we only beg leave to add that such further directions may be also given to Sir William Beeston upon that occasion as your Majesty shall think fit. *Signed*, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [C. O. 138, 10. pp. 120-124.]

Jan. 23.
Kensington.

68. Order of the King in Council. Approving above Representation and ordering that the Council of Trade and Plantations prepare a letter to the Governor of Jamaica, for H.M.'s approbation, accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read Jan. 29, 170⁰. $\frac{1}{2}$ p. [C. O. 137, 5. No. 28; and 138, 10. p. 127.]

Jan. 23.
Kensington.

69. Order of the King in Council. The Right Hon. James Vernon Esq. is to receive H.M.'s pleasure for the giving such directions upon the (*above*) occasion to the Governor of Jamaica as H.M. shall think fitt. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 5, 170⁰. 1 p. [C. O. 137, 5. No. 29; and 138, 10. p. 132.]

Jan. 23.

70. Minutes of Council in Assembly of Barbados. Mr. Edward Willy, having seized and put into the stocks a negro woman, who pretends to her freedom, and whom H. E. had ordered him not to molest until he had heard her case in Council, ordered that he be taken into custody and brought before the Board immediately.

Col. Tobias Frere complaining that several persons break up and carry stones out of the sea shoar contrary to an Act of this Island, and that the gunners and montrosses connive at it, ordered to collect evidence and report to the Board. Proclamation ordered in accordance with the Act.

Petition, of the negro woman, referred to above, read, and she was granted her liberty, on giving 100*l*. security to answer any action brought by Mr. Willy against her within three months.

Ordered, again, that Mr. Willy be taken into custody and brought before the Board to-morrow.

Jan. 24.

Mr. Skene, Publick Secretary, granted leave to appoint a Deputy. Mr. Thomas Edwards appointed.

Petition of Magnus Poppell read. Ordered that no person presume to lay any vessel in his way or careen by any of his harbour-works, without his leave.

Error brought by Mr. Waterman to reverse a judgment given by William Davies and John Holder, J.P.s, for detaining several negroes from the Hon. David Ramsay, John Milles, Humphrey Waterman, William Lyte, and George Foster, trustees of the late Hon. John Waterman, was called, and Counsel on both sides alledging that the same was under compromise, and praying it might be continued, ordered accordingly.

Error brought by John Clarke, Marshall, against a judgment obtained by George Brathwaite in the Court of Common Pleas, St. Michael's, called. Clarke being dead, the error was dismissed.

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Error brought by Dorothy Love, *alias* Reid, against John Thomas was called, and, upon the request of the parties, ordered to be continued.

Error brought by William Davies, Planter, against a judgment given by Lieut. Col. Henry Applethwaite and John Somers for detaining a negro man, was heard and the judgment confirmed.

Error brought by Mary Saer, widow, against a judgment given by Christopher Webb and Benj. Callow for detaining several negroes from Richard Brewster was heard, and the judgment confirmed.

Error brought by Thomas Hollard against a judgment of Philip Kirton and Richard Rycroft heard. Judgment reversed.

Edward Willy, merchant, appeared as commanded, made his submission and was released. [*C. O.* 31, 6. *pp.* 391-394.]

Jan. 24. **71.** Copy of a Commission for the trying of pirates in the Massachusetts Bay, New Hampshire and Rhode Island. *Counter-signed*, Chute. 16 *pp.* *Annexed*,

71. i. Memoranda of the Commissions of the other Colonies. (See *Cal. A. and W. I.* 1700. June 5.) 1 *p.* *The whole endorsed*, Recd. Jan. 24, 170⁹. [*C. O.* 5, 862. Nos. 37, 37.i.; and 5, 909. *pp.* 351-368; and (*Memorandum of Commission only*, $\frac{1}{4}$ *p.*) New York, 11. No. 12.]

Jan. 24. **72.** Memorandum of a Commission for trying of pirates in Barbadoes. *Endorsed*, Recd. Jan. 24. $\frac{1}{4}$ *p.* [*C. O.* 28, 4. No. 74.]

Jan. 24. **73.** Memorandum of Commission for trying Pirates at Newfoundland. $\frac{1}{4}$ *p.* [*Board of Trade.* Newfoundland, 4. No. 20.]

Jan. 24. **74.** Memorandum of Commission for trying Pirates in Jamaica. *Slip.* [*C. O.* 137, 5. No. 27.]

75. Memorandum of Commission for trying pirates in Maryland. *Slip.* [*C. O.* 5, 715. No. 24.]

Jan. 24. **76.** Memorandum of copy of a Commission for trying pirates at Bermudas. $\frac{1}{4}$ *p.* [*C. O.* 37, 3. No. 49.]

Jan. 24. **77.** Memorandum of copy of a Commission for trying pirates in the Leeward Islands. $\frac{1}{4}$ *p.* [*C. O.* 152, 4. No. 16.]

Jan. 24. **78.** Journal of Council of Trade and Plantations. Mr. Henry Whitehall. Baker, Solicitor of the Treasury, delivered to the Board nine Commissions under the Great Seal for trying pirates in the Plantations, together with 50 copies of the late Act of Parliament for the more effectual suppression of Piracy to be sent to the respective Plantations.

Representation upon the Forts in the West Indies considered.

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Jan. 25. The last mentioned Representation signed and sent with a letter to Mr. Secretary Vernon.

The question of sending Instructions relating to Accessories referred to next meeting. [*Board of Trade. Journal 13. pp. 330-333; and 98. Nos. 16, 17.*]

Jan. 25.

Whitehall.

79. Council of Trade and Plantations to Mr. Secretary Vernon. Enclosing the following. Signed, Wm. Blathwayt, Jno. Pollexfen, Geo. Stepney, Mat. Prior. *Annexed,*

79. i. Council of Trade and Plantations to the King. Having already laid before your Majesty a state of the Forts in your Plantations on the more Northern parts of America, we humbly beg leave to proceed in giving the like account in relation to your Majesty's Islands which lye more Southward:—In the *Bermudas* there are five little Castles, three of which lying at the entrance of the easiest passages, are most considerable. Many of the platforms are decay'd. There are fifty-five great guns, but most of them unserviceable, being honey-comb'd or vented, and some of them wanting carriages. And in as much as those Islands are now unprovided of stores and ammunition, and their wants having been always supplied by the Crown, by reason of the inability of the inhabitants, we humbly propose, that for the present your Majesty may be pleased to direct the Office of Ordnance to send thither 30 barrels of powder, 100 firelocks with musquet-ball proportionable, a quantity of match, and five flags with the Lieut. Governor Capt. Bennet, by H.M.S. *Lincoln*, and that he be directed to inform himself immediatly upon his arrival there of the state of the Fortifications, guns and stores of war in those Islands, and, in case he have no other opportunity, that he forthwith dispatch hither a Bermuda Sloop, with an account thereof.

The *Bahama* Islands belong to Proprietors, who ought to take care of them. There is upon the Island of New Providence (the cheif of them) one small fort or redoubt, which we understand to be in no good condition. As to *Jamaica*, the South part thereof is best settled. The parishes of Sixteen-mile-walk and Guanaboa are naturally fortified, being on all sides environed with great mountains, whilst the lowlands of Clarendon, Vere, St. Katherine's and St. Dorothy's, as also some part of Liganée, lye open to the sea, and have no place of defence but a Fort at Port Royal, called Charles Fort, on which there are about 60 pieces of cannon mounted, that flank the East Channel, through which ships usually enter the Harbour. And, as we are informed by the Governor, the inhabitants were about to lay a line of 30 or 40 guns in good stone worke to the Eastward of the said Fort, which will be right up the said Channel and render all attempts that way

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from the sea very difficult. But we are informed by Rear Admiral Bembow and Capt. Lilly, that there has been lately discovered to the S.W. of that Fort a Channel, supposed to have been made by the earthquake in 1692, through which ships of war may at any time, with the usual sea-breeze go in or out of that Harbour and not come within a mile and a half of Charles Fort, which renders that Fort, as they alledge, useful only for the security of the town of Port Royal, without being of sufficient defence to the harbour. They therefore propose that a good Fort be built upon Musketo Point, which will likewise defend the Leeward Entrance of that Harbour where your Majesty's Men of War and most of the Merchant ships trading to Jamaica usually resort, and be of use for covering the most valuable settlements of the southermost parts of that Island. It has been also proposed to us by the same Engineer, that two small Field Forts be built at other places, where an enemy may most easily land and attack the settlements of St. Dorothy's and Vere, near Old Harbour, which is likewise a place to which shipping does resort, and Rear Admiral Bembow does farther propose that a Fort be built at Port Morant, where there is likewise a good Harbour on the East part of the Island, which lyes nearest to Hispaniola, where the French and Spaniards are settled, and farther, that the narrow passes between the mountains, and principally one where Sir James de Castillio has built a house for himself, fortwise be taken care of.

The North side of Jamaica being a long open coast, distant from the seat of the Government, and the settlements very much scattered, cannot be defended by shipping and a land force.

The *Leeward Islands* have several little platforms, ill provided with artillery. The only Fort there is upon the Island of St. Christopher's, called Cleverly-Point Fort, for the guarding of which and the other Leeward Islands, there is but one Foot Company, whilst the French, who have half of St. Christopher's, do keep there several Companies of Foot of Regular troops.

Barbados to the windward is naturally fortified by rocks, and for defence of the Leeward Side, which is most exposed to an enemy, there is now a Trench of seven foot broad and five foot deep all along the coast, and behind that a breast worke of loose sand about 6 foot high, and three foot broad at the top. There are also on that side several redoutes, and at Bridgetowne two Forts, one at the entrance of the Road and the other within. In order to the further security of the Island, the Governor has lately writ that Commissioners were ordered to report the State of the Forts, and that then he would endeavour to dispose the Assembly

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to provide for repairing them. We are now preparing letters to the several Governors to give perfect accounts of the state of Defence of the Plantations and their needs, that from thence we may be able to report more particularly what they may be required to do for their own security, and what may be fit for your Majesty to do for their defence, besides the ships of war which your Majesty shall be pleased to send thither from time to time for their defence. *Signed as preceding.* [*Board of Trade.* Plantations General, 35. pp. 362-368.]

Jan. 27. 80. J. Burchett to William Popple. H.M.S. *Assistance* and *Feversham*, being appointed convoy to Newfoundland, will be ready to proceed about a month hence. My Lords have directed me to give you notice hereof to the end that if the Lords Commissioners of the Council of Trade and Plantations have any heads of enquiries to be made, you will please send the same hither, that so the Commander in Chief of that convoy may be directed to make the said enquiries accordingly. *Signed, J. Burchett.* *Endorsed, Recd. Read Jan. 28, 1701.* *Addressed. 3 p.* [*Board of Trade.* Newfoundland, 4. No. 23; and 25. p. 402.]

Jan. 27. 81. Council of Trade and Plantations to Governor Grey. Having considered the matter complained of in the petition of John Loder, etc., we are in H. M's. name to require you for the future to be more careful in the expediting of Justice, and to hold Courts of Chancery until all the causes depending in Barbadoes be determined, to the end that no more occasion be given for complaints in matters of this nature, which are so grievous to the subject. And we do farther direct that entry be made of this letter in the Council Books for the satisfaction of all persons therein concerned, and that you return us an account of your proceedings herein and in answer to our letter of Oct. 16. *Signed, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepany, Mat. Prior.* [*C. O.* 29, 7. pp. 236, 237.]

Jan. 27. 82. Minutes of Council of New York. Thomas Weaver was sworn a Member of Council. He produced a warrant from the Commissioners appointed to examine the public accounts, commanding him to lay before them the accounts of the public revenue since King Charles' time, which he could not do, by reason that he never yet hath had them in his possession. Ordered that the executrix of Col. Stephen Cortlandt do forthwith produce to this Board all the books, and accounts relating to the King's revenue, which were in the possession of her late husband, on Thursday next.

The Collector and Naval Officer announcing that there now are two vessels that desire to enter with them in order to their loading, the masters of which are Frenchmen denized, desired the opinion of this Board. Ordered that advertisements be affixed on the most public places in this City, requiring all Masters

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and Owners of ships trading within this province, who are not naturally born subjects of England, Ireland or the Plantations, to appear before the Board on Munday, and then and there offer their reasons why they should be not debarred from being owners and masters of ships.

23*l.* paid to Abraham Gouverneur for his expenses in searching after the money discovered by James Gillam, the Pyrate lately executed in England, before his death to be hid by him in the East End of Nassau Island.

The Excise at Albany having been let to farm to Johannes Groenendyck, the highest bidder, for 185*l.*, which is much more than the same made when in the hands of Robert Livingston, who had a salary of 50*l.* for collecting it, and the whole sum collected by him amounted but to 50*l.* over the said salary, ordered that Mr. Livingston do not receive any salary as Collector. [*C. O.* 5, 1184. *pp.* 412-415.]

Jan. 27. **83.** Journal of Council of Trade and Plantations. Directions given for preparing Instructions concerning Accessories to Pirates, and for forwarding Commissions for trying pirates.

Letter from Governor Grey, Nov. 12, read.

Letter to Governor Grey signed.

Directions given for preparing a Representation upon the administration of Justice in Barbadoes.

Letter from Col. Quarry, Nov. 14th, last, read, and papers inclosed laid before the Board. Directions given for writing to Mr. Burchet for information.

Jan. 28. The above mentioned letter agreed upon and sent.

Letters about accessories to piracy ordered to be prepared, with covering letter to Mr. Vernon.

Letter from Mr. Burchett, Jan. 27, read. Ordered that a Commission and Instructions for the Commodore of the Convoy to Newfoundland be got ready.

Act of Maryland for the service of Almighty God considered. Ordered that all the great Officers who are of this Commission be desired to assist on Friday, and that Mr. Attorney General have the like notice.

Jan. 29. Draughts of letters from H.M. to Governors, relating to Accessories in cases of piracy, laid before the Board, and covering letter to Mr. Secretary Vernon signed. Letter to the Admiralty, to mind them of giving the like Instructions to the Commodore for Newfoundland, ordered.

Memorial of Mel. Holder etc. in favour of the Act of Barbados for the better securing the liberty of H.M. subjects, read. Directions given for laying an abstract of that Act before the Board on Friday.

Letter from Mr. Secretary Vernon, Jan. 28, read. Directions given for preparing an answer to him upon the last part of his letter, which relates to Proprieties.

Copies of H.M. letters to the Governor of Virginia, Dec. 30, 1700, read.

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Order of Council, Jan. 16, relating to a new establishment for the pay of the 4 Companies at New York read, and ordered to be communicated to Mr. Champante.

Orders of Council, Jan. 23, read. Draught of a letter for H.M. signature relating to the Jamaica Revenue ordered accordingly. [*Board of Trade. Journal*, 13. pp. 334-342; and 98. Nos. 18-20.]

- Jan. 27. **84.** William Popple to Governor Sir Wm. Beeston, enclosing Commission for trying pirates at Jamaica, the Bahamas, or at sea, *pursuant to the act for the more effectual suppression of piracy*. [*C. O.* 138, 10. p. 125.]
- Jan. 27. **85.** William Popple to the Jamaica Agents. Enclosing Whitehall. above to be forwarded. [*C. O.* 138, 10. p. 126.]
- Jan. 27. **86.** William Popple to Governor Nicholson, enclosing a Commission for trying pirates at Virginia, or North and South Carolina, or at sea. [*C. O.* 5, 1360. p. 66.]
- Jan. 27. **87.** William Popple to Governor Codrington. Enclosing Whitehall. Commission for trying pirates in the Leeward Islands or at sea. [*C. O.* 153, 7. p. 149.]
- Jan. 27. **88.** William Popple to Richard Cary, Agent to the Leeward Whitehall. Islands. Enclosing preceding to be forwarded. [*C. O.* 153, 7. p. 149.]
- Jan. 27. **89.** William Popple to Governor Grey, enclosing a Commission Whitehall. for trying pirates in Barbados or at sea. [*C. O.* 29, 7. p. 236.]
- Jan. 27. **90.** William Popple to Governor the Earl of Bellomont. Whitehall. By order of the Council of Trade and Plantations, I herewith send your Lordship five copies of the Commission for trying pirates in the Massachusetts Bay, New Hampshire, Rhoad Island, or at Sea. [*C. O.* 5, 909. p. 369.]
- Jan. 27. **91.** Same to same. Similar letter *mutatis mutandis*, enclosing Commission for trying pirates in New York, East and West New Jersey, Connecticut or at sea. [*C. O.* 5, 1118. p. 113.]
- Jan. 27. **92.** William Popple to Mr. Champante. I herewith send you, Whitehall. by order of the Council of Trade and Plantations, two boxes containing Commissions to Lord Bellomont for trying pirates. I am to desire your care in sending the same forwards by the best and first opportunities you can meet with, taking a receipt from the persons by whom you send them, and giving me notice thereof. [*C. O.* 5, 909. pp. 369, 370.]

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London.

93. Copy of the Receipt for the Commission to Lord Bello-mont etc. for trying Pirates, received from Mr. Champante. *Signed*, Wm. Rous. *Endorsed*, Recd. Jan. 29, 170^o. [C. O. 5, 862. No. 38.]

Jan. 28.

94. Mr. Secretary Vernon to the Council of Trade and Plantations. I have laid your Representation of the 25th inst. before the King, and have thereupon by H. M. command signified his pleasure to my Lord Romney, that he direct Mr. Lilly, the Engineer, who was with Rear-Admiral Benbow at Jamaica, to give his Lordship an account to be layd before H. M. what will be the charge of the Fort he proposes as necessary to be built upon Musketo Point there, as also of making two other small forts for securing the settlement of St. Dorothys and Vere near the Old Harbour; and that Rear Admiral Benbow having further proposed the building a Fort at Port Morant in the East part of Jamaica, that Mr. Lilly do also give an account what the charge thereof will amount to. I have likewise acquainted my Lord Romney with H. M. pleasure that he give directions to the Office of Ordnance for furnishing 30 barrels of powder, 100 firelocks with musket-ball proportionately, a quantity of match and five flags for the use of the Island of Bermudas, and that the same be delivered to Capt. Bennet. And I have signified H. M. directions to Capt. Bennet that immediately upon his arrival there, he informe himself of the state of the fortifications, guns, and stores of warr in those Islands, and in case he have no other oppertunity, that he forthwith dispatch hither a Bermudas Sloop with an account thereof. H. M. dos very well approve that directions be sent to the Governors of H. M. Plantations in the West Indies to transmit hither a perfect account of the State of deffence of the said Plantations. I desire you will let me know the names of the persons to whom the Propriety Governments in America do belong, having received H. M. directions to signify his pleasure to them that they take care to provide for the security of the several Colonies under their jurisdiction. *Signed*, Ja. Vernon. *Endorsed*, Recd. 28. Read 29 Jan., 170^o. 2½ pp. [Board of Trade. Plantations General, 5. No. 83; and 35. pp. 370-371.]

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95. Memorandum of above letter. ¼ p. [C. O. 28, 4. No. 76.]

96. Similar memorandum, ¼ p. [C. O. 37, 3. No. 50.]

97. Similar memorandum. ¼ p. [C. O. 137, 5. No. 26.]

98. Similar memorandum. ¼ p. [C. O. 152, 4. No. 17.]

99. Similar memorandum. ½ p. [C. O. 5, 1260. No. 88.]

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Jan. 28.
Whitehall.

100. Wm. Popple to Josiah Burchett. The Council of Trade and Plantations having received from Col Quarry, Judge of the Court of Admiralty in Pennsylvania, some complaints of the obstructions he there meets with in prosecuting illegal traders and pirates, and condemning of ships for breaches of the Acts of Trade and Navigation, and their Lordships having Orders from H.M. to represent to H.M. the conduct of the Propriety Governments in that and other respects, desire you to communicate to them such informations as the Commissioners of the Admiralty have lately received relating to illegal trade and piracy in the Province of Pennsylvania. [C. O. 5, 1288. p. 432.]

Jan. 28.
Philadelphia.

101. Vestrymen of Christchurch in Philadelphia to the Council of Trade and Plantations. On behalf of ourselves and all the Communion of our Holy Mother the Church of England, we implore your protection in the free exercise of our religion according to the practice and canons of the Church, contrary to which Governor Penn and his Assembly have made a late Act to impose on our Minister and us; notwithstanding King Charles II in his grant to Governor Penn was graciously pleased to reserve for the Members of the Church of England the free exercise of their religion in all its parts, which privilege we enjoyed till Mr. Penn's arrival. We have represented our deplorable condition fully home to the Archbishop of Canterbury and the Bishop of London, who we presume will lay the matter before you. We humbly pray to be heard before you present the late Acts of this Government to H.M. for his approbation. We have a long time silently grown'd under the miseries and hardships that we have suffered in this Government. The number of people in this Government that are not Quakers are far more than those that are, among which number there be several thousands both capable and willing to take up arms for H.M. service and defence of his Province, yett we are expos'd to all the miseries imaginable, not only from a publick enemy, but from pyrates and Indians, the wofull experience of which we have lately felt, and all this is occasioned for want of a Militia, which this Government will not allow of. Nor is there so much as a Military Commission in this Government, or a gun mounted, tho' they have loaded us this year with no less than 2000*l.* clear of all charges to Governor Penn, and other taxes to the value of 1000*l.* a year to him, and all this besides the ordinary taxes of the Government, which amounts to a very great sum. H.M. and the Parliament of England have declared it to be the right of the subject in case of grievance to petition, yett this Government have now made a law that to write or speak against this Government shall be sedition (of which they, the Quakers, will be the Judges, for there is not one Magistrate in this Government of the Church of England) under grievous pains and penalties. Our lives, liberties and estates are taken from us, contrary to law and the rights and liberties of English subjects, by judges, juries and witnesses not sworn or so much as under the obligation of any test that hath the name of God in it, nor will they suffer those that are not Quakers to be

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sworn in Court, tho' they doe declare that they doe not believe that their attest doth oblige them. And now to compleat our unhappiness, they are resolved to impose on us, contrary to the practice and cannons of our Church. We beseech the protection of the Board. We lay before you another part of an Act past this Assembly, wherein your Lordships will have a full view of this gentleman's design, by endeavouring to cut off any advice or assistance we might expect from the practicers of the Law here, which he has already effected, excluding the Attornies, which we can rely on, the Courts, unless they will swallow and square themselves according to this new-modelled attestation. That you may see we have always been a peaceable, easy, quiet and obedient people, though we very well know that neither Governor Penn or his late L. G., Governor Markham, were qualified to be Governors as the Law requires, neither of them having had the King's approbation, nor hath Governor Penn taken those oaths that the Act of Parliament enjoyns, yet we have never failed of paying all due respect to them, and all submission to their Government, tho' we have had very near examples to the contrary by our neighbours the people of the Jerseys, who have refused to give obedience to two of their Governors for no other reason but that they had not the King's approbation, and at this very time they refuse to submit to Governor Hambleton (*sic*), on the same account. We should not have presumed to have laid our grievances now before you, had we not found that Governor Penn resolves not only to continue that uneasy and intolerable yoke and burthen, which we have so long groaned under, but is adding more weight to our former misery by making laws contrary to our religious rights and consciences. *Signed*, Evan Evans, Chaplain, Robt. Quarry, Joshua Carpenter, J. Moore, Charles Sober, Edwd. Sinout, Saml. Holt. *Endorsed*, Recd. Read 5 May, 1701. 3 large pp. [C. O. 5, 1260. No. 89; and 5, 1289. pp. 54-62.]

Jan. 28. 102. Report of all the ships and seamen belonging to and employed in the Harbor of Agua Fort in Newfoundland. Exon. Jan. 28, 170 $\frac{1}{2}$. *Signed*, Benedict Stafford (Admiral of the Harbour). *Endorsed*, Read May 16, 1701. *Subscribed* (in Mr. Popple's hand). This was sent from Exeter to Sir Walter Young, Commissioner of the Customs, and by him to this office about the end of Feb., 170 $\frac{1}{2}$. 1 p. [Board of Trade. New Newfoundland, 4. No. 34; and 25. p. 444.]

Jan. 29. 103. Council of Trade and Plantations to Mr. Secretary Whitehall. Vernon. Enclosing draughts of letters from H.M. to the several Governors about sending home accessories in cases of piracy. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [Board of Trade. Plantations General, 35. p. 369.]

Jan. 29. 104. Draught of a letter for H.M.'s Signature to Governor the Earl of Bellomont. Notwithstanding anything contained

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in our letters of Feb. 10, ¹⁶⁹⁹/₁₇₀₀, you are henceforward to govern yourself in matters relating to pirates according to the intent of the Act of Parliament since past and the Commission sent you in pursuance thereof. But whereas accessories in cases of piracy beyond the seas are by the said Act left to be tried in England according to the statute of the 28th Hen. VIII, we hereby require you to send all such accessories in cases of piracy in the Massachusetts Bay, New Hampshire, and Rhoad Island, with the proper evidences that you may have against them, into England in order to their being tried here, and you are to give notice of our pleasure herein to the Governor and Company of Rhoad Island, that they may conform themselves thereunto. Given at our Court at Kensington, Feb. 2, 1700^o. *Countersigned*, James Vernon. [C. O. 5, 909. pp. 371, 372.]

Jan. 29. 105. Similar letter, *mutatis mutandis*, to Governor the Earl of Bellomont as to sending home accessories to piracy in New York, East and West New Jerseys and Connecticut. [C. O. 5, 1118. pp. 115-117.]

Jan. 29. 106. Similar letter, *mutatis mutandis*, to Governor Grey of Barbados. [C. O. 29, 7. pp. 239, 240.]

107. Similar letter, *mutatis mutandis*, to Governor Sir William Beeston, in reference to Jamaica and the Bahama Islands. [C. O. 138, 10. pp. 128, 129.]

108. Similar letter, *mutatis mutandis*, to Governor Codrington in reference to the Leeward Islands. [C. O. 153, 7. pp. 150, 151.]

109. Similar letter, *mutatis mutandis*, to Governor Nicholson, in reference to Virginia and North and South Carolina. [C. O. 5, 1360. pp. 67, 68.]

110. Similar letter, *mutatis mutandis*, to Governor Blakiston. [C. O. 5, 726. pp. 22-24.]

Jan. 29. 111. Governor and Company of Hudson's Bay to the Council of Trade and Plantations. Refer to letter of July 10, 1700. But in obedience to your Lordships' letter of the 22nd inst. and to show how desirous they are to comply therewith as much as in them lyes and is consistent with their future safety, they do further offer the following proposals of limits between them and the French :—(1) That the French be limited not to trade by wood-runers (*coureurs des bois*) or otherwise, nor build any house, factory or fort N. of Albany River, vulgarly called Chechechewan on the West Maine or Coast; (2) or N. of Hudson's River, vulgarly called Canuse River on the East Coast; (3) the English, upon such an agreement do engage not to trade by wood-runers nor build any house, factory or fort S. of Albany River on any ground belonging to the Hudson's Bay

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Company; (4) or S. of Hudson's River on any ground belonging to the Hudson's Bay Company; (5) that all the Islands in the Bay and Streights of Hudson, N. of Albany River and Hudson's River remaine to the English; (6) and those Southward to the French; (7) that neither the French nor English shall at any time hereafter extend theire bounds contrary to the aforesaid limitations, nor instigate the natives to make war or joyne with either in any acts of hostility to the disturbance or detriment of the Trade of either Nation.

These terms the Company are willing to agree to upon condition they may be secured from any claim that has been or may be made on them by vertue of the 8th Article of the Treaty of Risewick or by any other matter or thing relating to the said Treaty. And if the French think fitt to accept thereof, the Company are willing to exchange places with them, but not without settling of limits, for the said 8th Article, which saith there shall be an exchange of places, doth also say that limits shall be likewise settled, and it would seem very unreasonable that one should be performed without the other. As to the Companies naming of Rivers as boundaries, and not Latitudes, the same is more certain and obvious, both to the Natives as well as to Europeans (and the contrary impracticable), nor can the latitude be so well laid downe in that wild country, the Indians well knowing the one, but not the other. But should the French refuse the limits now proposed by the Company, the Company thinke themselves not bound by this or any former concessions of the like nature. But must, as they have always done, insist upon their prior and undoubted wright to the whole Bay and Streights of Hudson, which the French never yet would strictly dispute or suffer to be examined into (as knowing the weakness of their claime) though the first stepp in the said Eighth Article of Risewick directs the doeing of it. *Signed*, by Order of the General Court of the Company, Wm. Potter, Secr. *Endorsed*, Reed. Read Feb. 12, 170⁰. 2 pp. [C.O. 134, 2. No. 29; and 135, 3. pp. 97-101.]

Jan. 30.
Antigua.

112. Governor Codrington to the Council of Trade and Plantations. Lieut. General Fox, who will deliver this, will give you so fair an account of all things relating to this Government, the strength of the Islands, their trade, the temper and inclinations of the inhabitants in point of trade, the management of H.M. Customs, and false bias an[d ?] unaccountable jealousy of the Assemblies, and above all the present circumstances of St. Christopher's, that I may save you the trouble of reading what I should otherwise think myself obliged to write largely on these heads. Whether he did well or not in taking upon himself the Civil power before my arrival, your Lordships are to judge (and I most earnestly beg your positive resolution in that matter), but if he had a legal authority I must do him the right to say he has made no ill use of it. There was not wanting those who took paines to give me very disadvantageous impressions of his conduct, but upon inquiry I was satisfied they were only angry because

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ye King's rights and the publick good were preferred to their private interest. There is not anything he has done that I should not think myself obliged to have done, unless it be the passing two Acts, one at Antigua and another at Mountserratt, which I think very pernicious, and he must have been either surprised or overperswaded to his assent. As to any advantages he has made by his acting, I am sure they have not more than answered his charges, for I hear but of one inconsiderable present that was made him at Mountserratt. When he has given you an account of the present state of St. Christopher's, I hope your Lordships will send me some positive orders about the settlement of it. I have recommended and past some good laws there, but I am not yet inclined, though much prest to it, to pas any law for fixing of titles, for there are so many different pretentions to the same land, and [*the*] grounds of those pretentions so very uncertain that I know not what measures to take, I being equally unwilling to give a right to wrongfull possessors and to turn out those to make way for such who, if they have better title[s], cannot well prove them. A General Court of Claimes or a Commission of Escheat would be the best method, but two or three people, who have graspt a great deal of more land than ought to fall to their share or is consistent with a thorough settlement of the Island, would put such colours upon an attempt of this kind, as would make halfe the inhabitants mad, an[d] occasion a ferment little less than a rebellion. I leave this to be explained to your Lordships by Col. Fox, and humbly beg your orders upon it.

Col. Fox can give you an account of my behaviour in respect of Col. Norton, and will satisfie you he was fitter to be a Rapperree then a Governor. I act with as much caution in everything I do, as if I were walking between red hot irons, and act with the same sincerity as if I were to dye to-morrow. If I had not an estate here, I wou'd not serve in the Government for 2000*l.* a year, and I must venture to be thought impertinent by your Lordships in saying to you again that the Colonies abroad will be then governed as they ought to be, when Governors are made independent of their Assemblies, and after that hanged up when they don't do their duty. *Signed, Chr. Codrington. Endorsed, Recd. Read July 2, 1701. 3 pp. Annexed,*

112. i. Abstract of preceding. 1 p. [*C.O.* 152, 4. *Nos.* 18, 18.i.; and (*without abstract*) 153, 7. pp. 200-202.]

Jan. 30.
Antigua.

113. Governor Codrington to [? William Blathwayt]. After preliminary compliments;—I send this by Col. Fox, who can give so particular an account of these Colonies yt I may save you ye trouble of reading a long letter. I hope, Sir, if a war should break out some care will be taken of us. I should be very glad if any new forces should be sent to this part of ye world yt Col. Fox might command. Nothing but the hope of deserving of my master's good opinion can keep me in this part of the world, for my employ is rather an expence than an advantage to me. *Signed, Chr. Codrington. My most humble service to Mr. Vernon, my good friend. Holograph. 2 pp. Unendorsed and unaddressed.*

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I suggest Mr. Blathwayt (Secretary of State for War) as the addressee, judging from the military nature of the contents. [C.O. 152, 4. No. 18.]

- Jan. 30. 114. Minutes of Council of New York. Capt. Jacobus Cortlandt and Johannes Cortlandt, brother and son of Col. Stephen Cortlandt, late Collector, appeared and informed the Board that the publick accounts could not possibly have been prepared and made ready by them as ordered Jan. 27, but would be delivered on Thursday next.

With regard to paying Mr. Livingston's salary as Secretary for the Indian affairs, the Council were of opinion that H.E. could not regularly order the payment thereof till H.M. pleasure be known upon the report made upon that matter in obedience to an Instruction from H. M., Aug. 31, 1697. The Collector and Receiver General was accordingly commanded not to make any payment of any such warrants already past for the same until H.M. pleasure be known.

30l. paid to Col. Abraham Depeyster for one pipe and one quarter cask of Madera wine given to the soldiers of the militia and the garrison and the crew of the *Advice* upon H.M. birthday. [C. O. 5, 1184. pp. 415, 416.]

- Jan. 31. 115. List of Proprietary Governments, with some observations upon them, sent to Mr. Secretary Vernon [by the Council of Trade and Plantations.] [C. O. 5, 1288. pp. 433-436.]

- Jan. 31. 116. Journal of Council of Trade and Plantations. Lord Whitehall. President, Earl of Bridgwater, Mr. Secretary Vernon, Mr. Secretary Hedges, Archbishop of Canterbury, and Bishop of London attending. *Act for the service of Almighty God and establishment of religion in Maryland according to the Church of England*, read; and several observations upon particular clauses and expressions therein being also read and considered, their Lordships agreed that the said Act ought to be repealed either by H.M. Order in Council or by a new Bill or Bills to be formed with proper alterations agreeable to the toleration allowed here, and sent to the Governor of Maryland to be offer'd to the Assembly of that Province. The Archbishop and Bishop of London having retired,

An abstract of the Act of Barbados for securing the liberty of H.M. Subjects was read, and referred to further consideration.

Mr. Blathwayt communicated to the Board an additional establishment relating to the four Companies in New York, Jan. 20. A copy was kept.

A list of the Propriety Governments with observations upon them was delivered to Mr. Secretary Vernon, in answer to his letter, Jan. 28. And in relation to these Proprieties he signified H.M. pleasure yt this Board should represent the State thereof, in order to such directions thereupon as may be necessary. [*Board of Trade. Journal*, 13. pp. 343, 344; and 98. No. 21.]

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Feb 3.

117. List of vessels and goods forfeited to H.M. in America for breach of the Acts of Trade. Signed, Edw. Randolph. S.G. *Endorsed*, Reed. Feb. 13, 170^o. *Addressed*. 1 large p. [*Board of Trade*. Plantations General, 5. No. 85.]

Feb 3.

Whitehall.

118. Lt. Governor Bennet's receipt for a Commission to try pirates in the Bermudas. *Signed*, B. Bennett. *Endorsed*, Feb. 3, 170^o. $\frac{1}{2}$ p. [*C.O.* 37, 3. No. 51; and 38, 5. p. 139.]

Feb. 3.

119. Capt. Bennet's receipt for a Commission for trying pirates in Virginia and letter relating to accessories, to be forwarded by him to Col. Nicholson. *Signed*, B. Bennett. $\frac{3}{4}$ p. [*C.O.* 5, 1312. No. 7; and 5, 1360. pp. 70, 71.]

Feb. 3.

120. Similar receipt for Commission and letter to Governor Blakiston. *Signed*, B. Bennett. $\frac{3}{4}$ p. [*C.O.* 5, 715. No. 26; and 5, 726. p. 27.]

Feb. 3.

Mark Lane.

121. Francis Eyles to [? Mr. Popple], enclosing reply to complaints concerning the Governor of Barbados. "I must also request your favour in putting the Lords in mind to despatch the Act of Barbados for their present to the Governor." *Signed*, Fran. Eyles. *Endorsed*, Reed. Read Feb. 5, 170^o. 1 p. *Enclosed*,

121. i. Francis Eyles to the Council of Trade and Plantations. I have considered the petitions of John Loder, Isaac Hawkins and Thomas Hodges, complaining that the Court of Chancery being frequently adjourned, *etc.*, justice is obstructed and many suitors are ruined in Barbados; that the great remissness of the Governors there in not causing a better execution of the Laws may proceed either from their unskilfulness in the duties of a Chancellor and Chief Justice, or from the influence of great presents made there to them, whereby he seems not only to blame the choice of the Government, but also highly to reflect upon H.E. the Hon. Ralph Grey. I therefore on his behalf pray you to transmit to H.E. the said petitions and papers, that he may justify himself. *Quotes eulogy of the Governor by the General Assembly*, Oct., 1700, acknowledging his "equitable and wise regiment of us in an equal and impartial distribution of the Laws of the Island in all cases coming before your Lordship." I am informed by several persons, who have been lately in Barbados that the Court of Chancery and other Courts are and have been held according to the constant course and usages, and, as they believe, according to the laws. And in particular I understand this from a Gentleman of the Long Robe lately arrived thence, who assures me he heard no complaints there of the delay or obstructions of justice. A cause that he is concerned in was lately commenced and decreed in the Court of Chancery there, and, an appeal being admitted, is

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sent home. *Signed*, Fran. Eyles. 3 large pp. [C.O. 28, 4. Nos. 79, 79 i.; and (without covering letter) 29, 7. pp. 252-257.]

Feb. 3.
Admiralty
Office.

122. J. Burchett to Mr. Popple. Enclosing papers from Col. Quarry to the Admiralty relating to pirates and illegal trade in Pennsylvania. *Signed*, J. Burchett. *Endorsed*, Reed. Feb. 12, 170 $\frac{1}{2}$. $\frac{3}{4}$ p. *Enclosed*,

122. i. Extract of letter from Robert Quarry to the Admiralty, Oct. 20, 1699. 4 pp.

122. ii. Copy of petition of inhabitants of Newcastle, to Lieut.-Governor Markham, for defence against pirates. [See *Cal. A. and W. I.*, 1699. No. 877.i. (1).] 2 pp.

122. iii. Copy of Minute of Council of Pennsylvania, Aug. 9, 1699, rejecting above petition. List of those who came passengers from Madagascar in Capt. Shelley. Copy of depositions of Jacob Boditt and Math. Birch as to the pursuit of pirates off Newcastle. July 27, 1699. 6 pp.

122. iv. Extract of letter from Col. Quarry to the Admiralty, March 10, 1700. $3\frac{1}{2}$ pp.

122. v. Giles Shelley to Stephen Delancey. Cape May, (May?) 27, 1699. 2 pp. *Copy*.

122. vi. Col. Quarry to the Commissioners of Customs. March 10, 1700. *Copy*. $10\frac{1}{4}$ pp. [C.O. 5, 1260. Nos. 90, 90 i.-vi.; and (without enclosures) 5, 1288. p. 436.]

Feb. 3. 123. An account of the money due to H.M. for the one-third of seizures and forfeited vessels and goods detained by John Archdall, late Governor, and Joseph Blake, Governor of South Carolina, and Wm. Markham, late Lieut.-Governor of Pensilvania. *Signed*, E. Randolph. *Endorsed*, Reed. Feb. 13, 170 $\frac{1}{2}$. $1\frac{1}{4}$ pp. [C.O. 5, 1260. No. 91.]

Feb. 3. 124. List of Bonds taken by Governor Markham, the Naval Officers and others in Pennsylvania. Presented by Ed. Randolph. S. G. *Endorsed*, Reed. Feb. 13, 170 $\frac{1}{2}$. [C.O. 5, 1260. No. 96.]

Feb. 3. 125. Names of several Governors who have wittingly and willingly broak the Acts of Trade. (Saml. Day, John Archdall, Wm. Markham, Walter Clarke.) *Signed* Ed. Randolph. S. G. *Endorsed*, Reed. Feb. 13, 170 $\frac{1}{2}$. 1 p. [Board of Trade. Plantations General, 5. No. 84; and 35. pp. 372, 373.]

Feb. 3. 126. Minutes of Council of New York. Denizen Masters and Owners appeared, pursuant to the Order of Jan. 27, and were heard. Ordered that the Collector and Naval Officer do not permit any person whatsoever, who is naturalized or made denizen in any of the Plantations, as Masters or Owners of ships and vessels loading within this Province, and that all persons who produce Letters of Denization from H.M. in England shall be admitted as aforesaid, until H.M. pleasure be further known.

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In answer to the petition of Dyrk Vandenburg, the Council replied that his accounts should be auditted and warrants issued for the same.

Petition of Boaz Bell, late Master of the *John and Henry* of Carolina, complaining of John Holderitz, the present Master, read. Holderitz ordered to appear on Thursday. The Collector ordered not to permit the Master to enter his ship until the matter of the petition be heard.

The Recorder of New York acquainting the Board that, at the Court of Sessions beginning to-morrow, there would be occasion of a person to prosecute as Council for the King several persons bound over, H.E. and Council appointed the Clerk of the Council *pro hac vice*. [C.O. 5, 1184. pp. 417, 418.]

Feb. 3. **127.** Journal of Council of Trade and Plantations. Act of Maryland for the service of *Almighty God* considered. Directions given for preparing a Representation thereon.

Feb. 4. Draught of letter from H.M. to the Governor of Jamaica concerning the Revenue agreed upon and transmitted in a letter to Mr Secretary Vernon. Progress made with report upon the above-named Act of Maryland. [*Board of Trade*. Journal, 13. pp. 345, 346; and 98. Nos. 22, 23.]

Feb. 4. **128.** Council of Trade and Plantations to Mr. Secretary Vernon, enclosing draught of letter to Governor Sir W. Beeston. Signed, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. *Annexed*,

128. i. Draught of letter from the King to Governor Sir Wm. Beeston, concerning the Acts of Revenue of Jamaica, as proposed by the representation of Jan. 23 (*q.v.*). [C.O. 138, 10. pp. 129-131.]

Feb. 4. **129.** Minutes of Council in Assembly of Barbados. Alexander Skene having applied himself to this Board that his Deputation to Edmund Bedingfield as Secretary might be accepted, the latter was approved and sworn.

Addresses of the Grand Jury to the King, His Excellency and the Hon. Thomas Sadleir sitting Judge, Dec. last, read, and ordered to be sent home.

The directions of the Council of Trade and Plantations, Aug. 1, 1700, read and ordered to be entered in the Council Book, and a copy to be sent to the severall Judges of the Courts of Common Pleas, and the Register in Chancery, with Instructions to them and the Secretary in Errors to lay before H.E. and this Board with all convenient speed authentic attested copies of the Minutes of Chancery and Courts of Error since H.E.'s arrival.

The Lords Justices' letter, ordering a return of the method of proceedings in the several Courts read, and copies ordered to be sent to the Judges for their reply to the Board.

Address of the Grand Jury to the King. "Your provident care over us has been visibly demonstrated in your sending so just and good a man as your present Governor is, who has faithfully

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discharged the trust reposed in him by putting your Laws in execution amongst us, and has so far prevailed that all animosities and discords amongst us seem to be ended and the Island at perfect unity amongst themselves," *etc.* Dec. 12, 1700. *Signed*, Walter Scott, Samuel Maynard, Tho. Brewster, W. Battyn, Wm. Grant, Abell Tudor, Ri. Robinson, Richd. Morris, Wm. Sealy, Wm. Nestfield, Jno. Chace, Richd. Bannister, Jacob Luke, Ste. Philips, Henry Cull.

Address of the Grand Jury to H.E. "We render our utmost thanks for the advantages we have received from under your Excellency. . . . Had we been sensible who those malevolents were who have lately spread abroad false rumours concerning your Excellency and your Government, we would have taken effectual care that they should have been prosecuted according to Law. Wee are highly sensible of your favour to us in being tender of our laws and constitutions and putting the same in execution, and wee can't but take notice that upon all occasions you have shown your averseness from violating any of them," *etc.* [C.O. 31, 6. pp. 394-399.]

Feb. 4. **130.** Journal of Assembly of Barbados. Met and adjourned, there being but 14 members attending. [C.O. 31, 6. p. 426.]

Feb. 5. **131.** Council of Trade and Plantations to the Lords Commis-
Whitehall. sioners of the Admiralty. Enclosing a Commission for trying pirates at Newfoundland, directed to the Captains of H.M. Ships of War and others at Newfoundland, to be delivered to the Commodore, as also a copy of Instructions relating to accessories in cases of piracy beyond the seas. (*See* Jan. 29.) *Signed*, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney, Math. Prior. [C.O. 195, 2. pp. 404, 405.]

Feb. 5. **132.** Journal of Council of Trade and Plantations. Letter
Whitehall. from Mr. Eyles, Feb. 3rd, with a memorial in behalf of Governor Grey, read, and the Address thereon read and returned to Mr. Bridges.

Draught of a Representation upon the petitions of Isaac Hawkins and Sir Thomas Hodges Esqs. [*sic*] agreed upon.

Letter to the Admiralty about Commissions for trying pirates signed. Capt. Bennet acquainting the Board that he intended in a few days to go to Portsmouth to embark for the Bermudas, directions were given for preparing certain enquiries, and a letter to be delivered him before his departure.

Letter from Sir Wm. Beeston, Nov. 12, read, and papers enclosed laid before the Board. Representation ordered offering new Members of Council to be appointed.

Order of Council, Jan. 23rd, upon the Revenue of Jamaica, read.

Draught of a Representation upon the Maryland Act agreed upon.

Feb. 6. Representation upon the administration of justice in Barbados signed.

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Draught of letter to Capt. Bennet, ordered yesterday, agreed upon.

Feb. 7.

Above letter now signed.

Representation for constituting Members of Council of Jamaica signed.

Draught of letter to Lord Bellomont agreed upon.

Copy of what was writ Oct. 23 to Mr. Bennet ordered to be sent him, and his answer again desired. [*Board of Trade. Journal, 13. pp. 347-352; and 98. Nos. 24-26.*]

Feb. 6.
Whitehall.

133. Council of Trade and Plantations to the King. We have writ to Governor Grey (Jan. 27) as required (see *Cal. A. and W. I.* 1700, Dec. 5), and upon examination as directed of petitions (Dec. 12, Dec. 19) containing complaints of delays and undue proceedings in the Courts of Justice in Barbados, which petitioners, amongst other causes, impute to the partiality of some persons appointed to sit in the Judicatories there, who are themselves much indebted, and having many suits depending against them are thereby frequently interested either directly or by consequence in the issue of the suits that are brought before them. And finding that, besides the delays and irregularities in other Courts, the neglect in holding Courts of Chancery and the want of dispatch of business there have been such that there are more than 300 causes depending in that Court, many of which are of several years standing, to the very great prejudice of the petitioners and other suitors, we are humbly of opinion that, for redress of those miscarriages and the better to prevent all future grounds for complaints in matters of this nature, which are so grievous to the subject, your Majesty may be pleased to direct that copies of the foresaid petitions of Hawkins, Hodges, *etc.*, and of the memorials offered thereupon be sent to the Governor for his answer, and that letters be also despatched requiring him to take especial care that no persons interested in the suites depending in any of the Courts of that Island be appointed or permitted to sit as Judges in the Causes wherein they are concerned; that justice be everywhere speedily and duly administered; and that he do also himself constantly hold Courts of Chancery until all the Causes there be determined.

As to the particular case of Thomas Hodges, upon which he has desired that your Majesty would be pleased to direct the Court of Chancery there to set aside certain agreements that he conceives to have been made in his wrong, we humbly represent that it has not been usual for your Majesty or your Predecessors to interpose the Royal Authority in Judicial proceedings in the Plantations otherwise than by receiving appeals to your Majesty in Council for your Royal determination as to right shall appertain. *Signed, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [C.O. 29, 7. pp. 257-261.]*

[? Feb. 6.]

134. Jahleel Brenton to the Council of Trade and Plantations. The Government of Rhode Island have appointed me to appear in

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their behalf, in order to obtain a final determination of the controversy relating to the bounds of that Government and Connecticut. I humbly pray a speedy and final determination of the matter, as the time for my departure for New England is near at hand. *Signed*, Jahleel Brenton. *Endorsed*, Recd. 6th. Read Feb. 13, 170^o. 1 p. *Enclosed*,

134. i. Deposition of Nicholas Hallam, of New London, Conn., Jan. 31, 170^o. Sometime in April or May last Thomas Mallett, Sherif of Rhode Island, Nicholas Eeston, one Fry and others were seized by George Dennison of Connecticut, and by order of the Government of that Colony, for coming to demand rates in y^e Narragansett Country, as they were authorised by the Government of Rhoad Island to do. Bail was refused for Mallet. They were fined at the Court of Assistants at New London, and appeal was refused them. *Signed*, Nich. Hallam. 1 p. [*C.O.* 5, 1260. Nos. 93, 93. i.; and 5, 1288. pp. 437-440.]

Feb. 7.

135. Solicitor General to the Council of Trade and Plantations. I have considered the Acts passed at a General Assembly of Massachusetts Bay, May 29 last. The Acts against Jesuits and Popish priests; regulating prisons; relating to the office of a Coroner; providing for posthumus children; in addition to the Act for the equal distribution of insolvent estates; prohibiting the export of raw hides and leather except for England; granting H.M. several duties of impost and tonnage; granting H.M. an Excise; preventing abuses to the Indians; regulating weights and measures; granting H.M. a tax upon polls and estates, I conceive are agreeable to law and justice, and do not contain anything prejudicial to H.M. Royal Prerogative. The Act for reviving the Act for giving necessary supplies to the Eastern Indians and for regulating of trade with them, in case the first Act hath been confirmed, I conceive is reasonable and fitt to be confirmed. As to the Act granting 1,000*l.* for Lord Bellomont, I do not think it proper for me to give any opinion therein. *Signed*, Jo. Hawles. *Endorsed*, Recd. Feb. 13. Read 14th do. and May 21, 1701. 1³/₄ pp. [*C.O.* 5, 862. No. 39; and 5, 909. pp. 418-420.]

Feb. 7.
Whitehall.

136. Council of Trade and Plantations to the King. Having understood from Sir W. Beeston that there are several vacancies in your Majesty's Council of Jamaica, and he having also sent us a list of the persons whom he esteems fitly qualified to supply such vacancies, we humbly offer that John Walters, Esq., Lieut.-Colonel Charles Sadler and Capt. Thomas Clarke, jun., who are named in his list, and of whose due qualifications we have otherwise been informed, may be constituted Members of your Majesty's said Council. *Signed*, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*C.O.* 138, 10. p. 136.]

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Feb. 7.
Whitehall.

137. Council of Trade and Plantations to Lieut.-Governor Bennett. You, having received H.M. Commission and Instructions, are to be careful in the punctual observance thereof and to give us a particular account of your proceedings upon each article, as is thereby directed. We deliver you further herewith a paper of enquiries about severall matters, wherein it is fit that we have the most particular informations that you may be able to give us, some of them are already comprized or implied in your Instructions. But that Repetition may serve the [better] to show you what we expect, you are to send your distinct answers to each of those heads, with what speed you can. More especially we shall expect from you an exact account of the present state of defence of those Islands, the scituation, number and condition of the Forts and Fortifications there ; the arms, ammunition and stores of war you find there and your opinion of what more may be wanting, and what you conceive fit to be further done for the security of the said Islands ; and in case you have no other opportunity of sending immediately, you are forthwith to dispatch hither a sloop with an account of the particulars relating to forts, guns and stores. You are also to send the like accompt regularly from time to time according to your Instructions. We further recommend to your care that the powder-duty be constantly paid in specie, not in money, and that neither powder nor any other stores necessary for defence be needlessly wasted or imbezled. You are to transmit to us with what speed you can a compleat and authentick copy of all the Laws now in force, and to take care that they be fairly transcribed upon large paper, with margints on both sides according to the pattern herewith given you, as likewise that copies of all future Acts of the General Assembly, which you shall transmit hereafter, be writ in the same manner, and so fastened together that they may be conveniently bound up in volumes. Private Acts are to be sent separately under distinct seals ; and the parties informed that it is necessary to have Agents here. All public Acts should likewise have distinct seals. The Council is to be cautioned that when the Government devolves upon a President and Council, only such Acts as are immediately necessary for the peace and security of the Islands are to be passed. (*See Cal. A. and W. I. 1700.*) We deliver you copies of H.M. Orders in Council, Jan. 18, 1699 and May 9, 1700, referred to in your Instructions, together with an extract of what we wrote to Mr. Day, June 26, 1699, concerning Patent Places and H.M. Ships of War ; also copies of our queries and Dr. Newton's answers (*Cal. 1700*), concerning the *Dolphin* sloop. We recommend to your care Commissions and Letters for the Governors of Virginia and Maryland for trying Pirates, which you are to send by H.M.S. *Lincoln*, which, having landed you, is to proceed on to those parts, or by some other safe conveyance. And whereas the partiality and ill-behaviour of former Governors have occasioned great disorders and irregularities in those Islands, we advise you to apply your utmost care with all fairness and impartiality to prevent such disorders, that so H.M. service and the public welfare

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of those Islands may be the better promoted. *Signed*, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. *Annexed*,

137. i. Heads of Enquiries to be sent with Lieut.-Governor Bennet. (1) What Courts of Judicature are within those Islands, relating to the Admiralty? (2) What Statutes, Laws and Ordinances are now made and in force? (3) What number of horse and foot are there? How are they armed, divided and exercised? (4) What Castles and Forts? How situated, fortified and provided? (5) What number of privateers or pirates do frequent your coasts, of what burthens are their vessells, what are the names of the Commanders and what the number of their men and guns? (6) What Trade or Correspondence have you with H.M. other Plantations? (7) What are the principal Towns and places of Trade, and what manner of buildings most used, as to the strength and largeness of them? (8) How many parishes, precincts or divisions? (9) What rivers, harbours and roads? Their depths and soundings? (10) What commodities are there of the production, growth or manufacture in those Islands, and of what value yearly, exported or consumed? What are the commodities imported and of what value yearly? What materials are there already growing or that may be produced for shipping? (11) What number of merchants and planters, English and foreigners, servants and slaves, and how many of them are able to bear armes? (12) What number of English, Scotch, Irish and Foreigners have for these seven years last past, or any other space of time, come yearly to plant and inhabit on those islands? What Blacks and Slaves have been imported within the said time and at what rates? (13) What number of whites, blacks or mullatos have been born and christened for seven years past, or any other space of time, for as many years as you are able to state an account of? (14) Similarly, what number of marriages and (15) deaths? (16) What estimate can you make touching the estates of the several degrees of merchants and planters, and how can you compute the wealth of the Islands in general? (17) What number of ships, sloops or other vessels do trade yearly to or from those Islands, of what built and burthen, and whether there be any belonging to the inhabitants? (18) What obstruction do you find to the improvement of Trade and Navigation? (19) What advantages and improvements do you observe, which may be gained to the Trade and Navigation there? (20) What rates and duties are charged and payable upon any goods exported, whether of your own growth or manufacture, or otherwise, as also upon goods imported? What other Revenues do or may arise within those Islands, and

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how are they collected, applyed and accounted for ? (21) What care is taken for instructing the people in the Christian Religion ? How many churches and ministers are there ? What provision is made for their maintenance, for relieving poor, decay'd and impotent persons, and whether you have any beggars or idle vagabonds ? (22) What perswasion in religious matters is most prevalent, and among the various professions of Religion, what proportion in number and quality of people does the one hold to the other ? (23) How are the Public Offices filled ? The names of the officers, their character, qualifications and estates ? (24) What arms, ammunition, and stores do you find upon the place ? What quantities have been sent thither upon H.M. account, for seven years past, or any space of time you can account for, and how have they been employed ? (25) What moneys have been paid or appointed to be paid by H.M. or levy'd within the Islands for buying arms or making and maintaining any fortifications or for any other publick uses, and how have the moneys been expended, particularly how has the powder-duty been raised, and how is it disposed of ? (26) What advantages are made by the whale fishing ? Does it continue or decay ? [*C.O.* 38, 5. *pp.* 140-151.]

Feb. 7. **138.** Minutes of Council of New York. Petition of John Tollman and Nathaniel Pearsall read. Ordered that the persons complained against be served with a copy thereof and summoned to appear next Tuesday.

Petition of Magdalena Pelletreaux read and dismissed.

Committee appointed to audit the accounts of Ducie Hungerford. [*C.O.* 5, 1184. *p.* 418.]

Feb. 8. **139.** William Popple to Col. Codrington. Enclosing H.M. Whitehall. Letter relating to Accessories in cases of piracy (Jan. 29) beyond the seas, who are not to be tried by the Commission for trying Pirates. [*C.O.* 153, 7. *p.* 151.]

Feb. 8. **140.** William Popple to Governor Grey, enclosing from Whitehall. the Council of Trade and Plantations H.M. Letter to him about Accessories in cases of Piracy beyond the Seas. [*C.O.* 29, 7. *pp.* 261, 262.]

Feb. 8. **141.** Board of Ordnance to the Council of Trade and Planta- Office of Ordnance. tions. Capt. Michael Richards, who has the care for this office at St. John's, in Newfoundland, of building barracks, and as well of erecting new as of repairing the old fortifications, having demanded about 170 tons of Portland Stone for that service, which wee should willingly send, if we could have it carryed there for noe charge, as he intimates it may by ships from Poole or thereabouts for ballast, where the stone is best to be provided, if

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means were used with those going from thence to Newfoundland, which being most in your Lordships' power to doe, wee acquaint your Lordships hereof, and that it's impossible for us otherwise to comply therewith because the charge for freight will be so great, desiring that if any thing can be done therein, it may be with speed. *Signed*, C. Musgrave, Wm. Boulter, Jon. Charlton. *Endorsed*, Reed. 8th. Read 11th Feb., 170 $\frac{1}{2}$. 1 p. *Enclosed*,

141. i. Species of Portland Stone required as above. $\frac{1}{2}$ p.
[C.O. 194, 2. Nos. 24, 24. i.; and 195, 2. pp. 405-407.]

Feb. 8.
Admiralty
Office.

142. J. Burchett to William Popple. According to what is desired by your letter, Feb. 7, I herewith send you what papers have been sent to my Lords of the Admiralty relating to Capt. Lilburn's proceedings at Newfoundland. In Oct. last the very same papers were sent to Mr. Secretary Vernon, it being thought that, if any directions were necessary, they would have been given through his hands by H.M. particular command. *Signed*, J. Burchett. *Endorsed*, Reed. Read Feb. 12, 170 $\frac{1}{2}$. 1 p. *Enclosed*,

142. i. List of Papers enclosed. $1\frac{1}{4}$ pp.

142. ii. Commodore Fairborne to [?]. H.M.S. *Tilbury*, at St. John's in Newfoundland. Sept. 7, 1700. Gives an account of his trying, imprisoning and suspending Lieut. Lilburne for defrauding the inhabitants and soldiers of Newfoundland. *Signed*, S. Fairborne. *Copy*. $2\frac{3}{4}$ pp.

142. iii. Deposition of Arthur Holsworth, Sept. 3, 1700, as to his challenging Lieut. Lilburne for speaking scurrilously of him, and of his cowardly behaviour. *Copy*. 1 p.

142. iv. Petition of John Colings of Tarrbay in Newfoundland. In Nov. last I received a warrant from Will. Lilburne, Commander in Chief of H.M. forces in Newfoundland, to appear before him, which accordingly came immediately by land to answer a complaint made by a servant that serv'd me, but without hearing what I had to say, clapp'd me in irons, where I was detained till I sent to ye Inhabitants to begg me out of irons, said servant being 3l. 15s. in my debt discharged him out of my service, he being a very able fisherman, know not what damage I might sustain by this occasion, for my voyage was much damnified. *Signed*, John Colings. *Copy*. 1 p.

142. v. Articles of complaint against Lieut. Lilburne, exhibited by Humphrey Haven, Ensign, in behalf of the soldiers and inhabitants of Newfoundland. *Copy*. $2\frac{3}{4}$ pp. [*See Cal. A. and W. I.* 1700.]

142. vi. Certificate, signed by several Masters of Fishing Vessels in favour of Lieut. Lilburne. "Few could have managed affairs in this country to ye satisfaction both of masters and livers with greater prudence than he hath done." *Copy*. 1 p.

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142. vii. Lieut. Lilburne's accounts as examined and stated, Sept. 6, 1700, by order of Commodore Faireborne, showing that he charged 1s. 6d. profit on each pair of hose and shoes and each shirt supplied to the soldiers. *Copy.* $1\frac{1}{4}$ p.
142. viii. Deposition of Capt. Richards as to Lieut. Lilburne's cowardice in his engagement with Mr. Holsworth. *Signed, M. Richards. Copy.* $\frac{3}{4}$ p.
142. ix. Deposition of Humphrey Haven, Ensign, and John Huxford, gunner, Sept, 7, 1700. Mr. Ford, Master of a fishing ship, was forced out of the harbour by Mr. Lilburne, who declared there was not a fishing-room. Afterwards Mr. Branscomb arrived and possessed the stage which Mr. Lilburne had kept vacant, paying him 18l., of which Mr. Lilburne offered deponents 6l. each. *Signed, Humph. Haven, John Harford. Copy.* $\frac{3}{4}$ p.
142. x. (1) Petition of the soldiers in King William's Fort to Capt. Fairborne, Commander in Chief, complaining of their slavery under Lieut. Lilburne and asking for satisfaction for their labours of digging, *etc.* Aug. 16, 1700. *Copy.* $1\frac{1}{2}$ p.
142. x. (2) An account of the work done by the soldiers since Major Handysides left us. Sept 7, 1700. *Signed, Elias Waff, Hum. Haven, G. Amers, Jno. Capell. Copy.* $1\frac{1}{2}$ p.
142. xi. Amount of the subsistence and money for necessities which Lieut. Lilburne received for the soldiers in Newfoundland. *Signed as preceding.* Aug. 27, 1700. *Copy.* 1 p.
142. xii. Warrant for Lieut. Lilburne's suspension. H.M.S. *Tilbury*, St. John's, Aug. 7, 1700. *Signed, S. Fairburne, Tho. Cleasbey, — Trevor. Copy.* $\frac{3}{4}$ p. [C.O. 194, 2. Nos. 25, 25. i.-xii.]

Feb. 8. 143. William Popple to Governor Sir Wm. Beeston. Enclosing
Whitehall. Letter *re* Accessories, Jan. 29. [C.O. 138, 10. p. 137.]

Feb. 8. 144. William Popple to the Jamaica Agents. Enclosing above
Whitehall. to be forwarded. [C.O. 138, 10. pp. 137, 138.]

Feb. 10. 145. Francis Eyles to William Popple. *Gives details as to the dispatch of packets for Barbados. I should take it very kindly [if] you would let mee know whether my answer bee read to the Lords and whether they have yet dispatched their report on the Act for the Governor's present. Signed, Fran. Eyles. Endorsed, Recd. Feb. 11, 1700.* $\frac{3}{4}$ p. *Enclosed,*

145. i. Capt. Dawson's receipt for a box for Governor Grey on board the *Reswick*. *Signed, John Dawson.* Feb. 1, 1700. [C.O. 28, 4. Nos. 80, 80. i.]

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Feb. 11.

Whitehall.

146. Council of Trade and Plantations to Governor the Earl of Bellomont. We shall now proceed to answer particularly your letters which we acknowledged Dec. 20 last. We are sorry to observe that your Lordship continues to write about the heats that are between the different parties in New Yorke, and as the reconciling of their minds and disposing them to an unanimous concurrence in whatever offers for H.M. service and the good of the Province is infinitely more desirable than the advancement of one party to the dissatisfaction of the other, we doubt not but your Lordship will accordingly always make that your aime, and we hope your prudence will in the end effect it. In the meanwhile, as you are pleased to say that you are not discouraged by the unreasonable opposition you have met with there, so we intreat you not to entertain any suspicions that your services are slighted here. For we, at least for our parts, have been always ready to do your Lordship all the good offices that lye in our power, as, in particular, in relation to the establishment of your salaries, and if the effect of our Representation have not yet answered our wishes, you will doubtless have an account from your Agent of the obstructions he has found therein. We have also recommended to the Lords of the Admiralty your accounts relating to the timber, laden or intended to be laden, in the *Fortune*, which is all we could do in that matter; but we are very sorry to understand that both that ship and lading have been cast away on the coast of Cornwall. The miscarriage of this ship we suppose will make your Lordship very cautious in sending anything hither of value upon a public account, without express order for it, and we hope you will extend that caution to the great masts that grow above Albany, concerning which we desired you, April 11 last, to try how they could be got down the great Fall, and to compute at what rates, they may be delivered on ship-board at New Yorke; but did not give any directions for the sending of them home, and your Lordship will do well therefore not to engage too far therein till further order. The pay of the soldiers being now so well established that they have their subsistence every fortnight and their clearings every two months, we doubt not but Mr. Champanté may remit it from time to time, without putting your Lordship to the difficulties you say you have found in drawing, and as we were at first well satisfied with the character that you gave us of him, so we still esteem him to be a diligent and prudent person, very capable of that employment; and as to the reason which inclines you to desire that the Agent should be a merchant, that so the soldiers' pay might be the more advantageously invested here in commodities and sent by sea, we do not think it of much weight, because the King for certain will not bear that risque, and however zealous your Lordship is for the publick service, having before us the fresh instance of the loss of the *Fortune*, we cannot but be too tender of your private interest, to encourage you to undertake that method upon your own hazard. As to the augmentation of 4*d.* per day in the pay of 100 soldiers, which you desire may be allowed in order to the employing of them in the production of Naval Stores, there being

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an establishment made for all H.M. forces, pursuant and in proportion to what is allowed by Parliament, we do not think fit to propose any alteration therein, believing your Lordship will be very well able to give them that, or a greater encouragement by the method we offer'd in our letter of Sept. 19. We enclose a copy of our Representation and the new Establishment (from April 25) thereupon. [See Jan. 16.] Lest any farther directions should be wanting upon the employment of the overplus, we desire to know how it and any summe that has arisen by dead pays have hitherto been disposed of. The Muster-Rolls you sent have been delivered to the Agent to be lodged by him in the proper offices. What you write about the clamour of the Recruits for their sea-pay shall be laid before the King. Major Ingoldsby has desired permission to stay longer in England, in order to the stating his accounts with the Lord Ranelagh. We send you the copy of his Memorial, but have not found anything for us to do upon it.

We were glad to understand by your letter, Oct. 17 last, that the Eastern Indians had submitted to our Five Nations and renounced their dependance on the Governor of Canada; and hope that by your continued prudence in managing all those Indians that agreement will be improved to the advantage and security of all H.M. Plantations in those parts. But nevertheless the enclosed extract [see *Cal. A. and W. I.* 1700. No. 835] will show your Lordship that the French had another notion of their interest amongst the Indians, and particularly even amongst our Five Nations at that very time; and it may be a new argument (if any were wanting) to keep your Lordship in a constant watchfulness upon all their proceedings. We have perused the conference you had with the Indians at Albany, and do agree with your Lordship that the less such things are published to the world the better; and that therefore it is not fit they should be printed, but rather transmitted to us (as this) in writing. And having considered what you write therein, and what you farther write about the allowing some French Coureurs de Bois (who lived amongst the remote Indians) a free passage thro' our Five Nations in order to trade at Albany, and to come and settle there, we think you ought to be very cautious in that matter, for it appears to us to be dangerous. However, the promoting a trade with the Dowaganhas and engaging them to come and settle in a friendly manner, in the neighbourhood of our Five Nations, seems to be very desirable, though we are doubtfull by what you write, Oct. 24, about the Dionondades falling upon some of our Indians, that it will hardly be effected; and we are apt to suspect, as you do, that the Dowaganhas themselves have not been sincere in their proposals, which still is a farther ground for great caution in all transactions, either with the French, or the Indians that are influenced by them. The desire of our Indians, that boundaries may be settled between the French and them, seems very reasonable; but as we see little ground to expect that it will at present be done here, we can only recommend it to your Lordship that you take the best care you can to hinder the French from inroaching upon them.

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What you write of the ill condition of the Stores, *etc.*, sent from the Office of Ordnance, has been laid before the King, and directions have been given for sending 100 good beds, *etc.* (see Jan. 21.) as likewise 1,000 axes, as desired formerly, and spades *etc.* for building the Forts, of all which we have given notice to Mr. Champante, and doubt not but he will take care to send them. The cloathing for the soldiers which you did not receive by the *Advice* frigate, he tells us were sent about two months after, and we question not but he will have satisfied you in the reason.

Upon our representation concerning what you writ about the Forts at Albany and Schenectady, H.M. has been pleased to order us to acquaint you *as Jan. 21.*

We are glad your Lordship has prevailed with the Assembly of New Yorke to repeal the Act for securing the Indians, which you did not like, and to give a tax in lieu of it; and as by that means we suppose sufficient provision is made for building the Fort in the Onondage Country, so we hope you will take care it be put into such a condition that it may resist an enemy in case of a war and not be in danger of falling into their hands.

We enclose a copy of our Representation, Jan. 10, upon the forts and fortifications of America, as likewise of our letter to Mr. Secretary Vernon on the same subject, and H.M. circular letters to the Governors relating thereto, and because they are sealed, we send you likewise copies of those which are not for yourself, that, in sending them forwards, you may better know what to write along with each. We send you another letter from H.M. relating to the preservation of timber in the Provinces of Massachusetts Bay and New Hampshire, which H.M. was pleased to direct us to draw in pursuance of our Representation, whereof we sent you a copy Oct. 30 last; and as your Lordship does complain of Mr. Partridge, Lieut.-Governor of New Hampshire, as a Chief Promoter of an undue timber trade from thence, and we have formerly given you our opinion that it is not fit any Governor of H.M. Plantations should be an ordinary trading merchant in any kinde whatsoever, we desire you to propose to us some other fit person to be put in his place, after which we will represent farther to his Majesty upon those matters, as shall be necessary.

As to the 500*l.*, which we desired by our foresaid letter to Mr. Secretary Vernon might be advanced and remitted to your Lordship immediately, we send you here-inclosed an extract of his letter to us of the 21st of the last month, which shows you that H.M. has agreed to it, and given directions to the Lords Commissioners of the Treasury accordingly. So that this matter lying now wholly before them, and Mr. Champantè having accordingly applied himself to them about it, we refer your Lordship to him. By our Representation concerning Forts, *etc.*, you will perceive that we have had all Col. Romer's Memorials, draughts and plans, together with what you have writ us, under consideration. And as his draughts of the Rivers upon the Eastern Coast of New England seem to be very exact, and are

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more particular than any we have seen of those parts, we desire he may be farther directed to joyn them together, and so make one continued draught of that whole Coast from St. Croix to Cape Cod, and that you would send us a copy. We much wish also that you could procure a good map to be drawn of all the Indian countrys in the neighbourhood of H.M. Plantations, marking the names of the several Nations (as they call themselves, and are called by the English and French) and the places where they inhabit, and that you would send us such an one for our better light into matters relating to those Indians.

And as your Lordship has now travelled thro' many places, in or near your Governments, and we cannot doubt you have made observations upon the nature, state and condition of those places, which might be usefull to us upon many occasions, we desire you would communicate the same to us in some separate letter, as you find leisure from the ordinary course of your business.

We have also laid before H.M. a Representation upon the Forts and Fortifications in H.M. Islands, and by reason of the imperfect memorials that we have from all parts, having therein set forth the necessity that all H.M. Governours, as well upon the Continent as in those Islands, should be required to transmit hither a perfect account of the state of defence of each Plantation under their Government respectively, H.M. has been pleased to direct us to require the same; and we accordingly desire your Lordship to take notice of it, with respect to the Plantations whose Militia is under your inspection, as well as those that are more immediately under your Government. In representing the necessity of building or repairing Forts in New Yorke, your Lordship again mentions Col. Fletcher's debt, and says that the service is too pressing to stay till he may be compelled by Law to refund *etc.*, you see by what we have writ already that other care is taken about those Forts; however, as to Col. Fletcher's debt it were well that matter were determin'd; and since you cannot proceed against him there, you will do well to furnish the Lords of the Treasury with proofs and evidences, in order to his prosecution here. We observe what you write about the encrease of the Revenue, and are very well satisfied with your care therein. If you get any farther light into the method of paying the bottoms of ships with brimstone, we still desire to have an account thereof. As for the want of a Court of Chancery, we think the difficulties you find in holding one ought to be no stop to the proceedings there, the rather because great complaints have been brought hither of such stops in other Colonies, and it is still uncertain when the Attorney and Solicitor, intended for New York, will be dispatched.

We have acquainted the Lord Bishop of London with your having suspended Rev. Smith and your account of his character. We are very sensible of what you write about the advantages that might be made by having some Ministers sent to live amongst our Indians; and we think it would much promote those advantages, if such Ministers had, besides other qualifications, a little skill also in Physick and Chirurgery. The French Missionaries

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have insinuated themselves and strengthened their interest amongst the Indians by those means, and we ought not to neglect them. But the getting of a maintenance for such Ministers is the difficulty. We are doing what we can here with the Corporation for evangelizing Indians; and we wish you could find a way to make some use of what Sir William Ashurst has proposed to you from them, untill better can be obtained.

We are now about preparing a Report upon the Act for Vacating Extravagant Grants of Land, in which your Lordship's reasons for vacating those grants shall be offer'd to his Majesty. We intend also shortly to lay before H.M. the New England Address about Harvard Colledge *etc.* with a Representation upon that subject. As to the Reference that lyes before us, upon the desire of some Inhabitants of New Yorke, that the Government of that Province should not be in the same hands with the Government of the Massachusetts Bay, we have not yet done anything therein; and your Lordship may be assured, we shall weigh maturely what you have writ us on that subject, and be very carefull before we report upon it. We writ you formerly about sending Acts of General Assemblies, which concern private persons, under distinct seals without fast'ning them to those that are of a publick import; and we now add that we think there would be a conveniency in sending all public Acts also in the same manner, each of them under a separate Seal, provided still that they be either writ or printed in such a form that they may conveniently be bound up in volumes as there shall be occasion, which method we desire therefore may be observed in all your Governments. We have committed the Commissions for trying Pirates, concerning your Lordship as Governor of New Yorke and of New England, to the care of Mr. Champantè, and we now send you H.M. Letters relating to Accessories in cases of Piracy beyond the Seas, who are not to be tried by the said Commissions.

Upon considering the length of many of your Lordship's letters and also of some of our answers occasioned by the mixture of business of different kinds; we offer it to your thoughts whether it would not be an ease and conveniency both to you and us, to divide different matters a little more into different letters, that so distinct answers may be returned to each of them without staying till one answer can be given to the whole. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. *Mem.*—One copy sent to Mr. Champante, another inclosed to Col. Blakiston, *etc.* [C.O. 5, 1118. pp. 120-136; and 5, 1079. No. 65.]

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Whitehall.

147. Council of Trade and Plantations to the King. We have considered the Act past in the General Assembly of Maryland, April 26, 1700. *Opinion of Attorney General* [Jan. 16th] *quoted*, with which opinion we concur and further observe, that all things legally done by former Acts made for this purpose, and bearing this title, or tending thereto are by this Act ratified and confirmed, which words, *tending thereto*, are of

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too large and uncertain signification. The vestrys are thereby incorporated and made a body politick, which is not so in England. The choice of vestrymen is directed to be made in methods contrary to the custom of England. The vestrys are endowed with too great powers and privileges, whereby they may become grievous and vexatious. The two former Acts of the like title, which have been annulled by your Majesty, are thereby also repealed, as if your Majesty's disallowance of them had not been sufficient, which presumption is derogatory to your Majesty's royal prerogative. And whereas there are several other matters and causes in the said Act liable to very material exceptions, wee humbly offer that this Act ought to be repealed, either by your Majesty's Order in Council, or by a new Bill or Bills to be formed with proper alterations, agreeable to the tolleration allowed here, and sent to the Governour of Maryland to be offered to the Assembly of that Province. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [C.O. 5, 726. pp. 28-31.]

Feb. 11. **148.** J. Burchett to Wm. Popple. I have writ to the Capt. of the *Lincoln* to give Capt. Bennet a receipt for the Commissions for trying pirates in Virginia and Maryland and to take care for their being forwarded. *Signed*, J. Burchett. $\frac{1}{2}$ p. [C.O. 5, 1312. No. 8.]

Feb. 11. **149.** Micajah Perry, Thomas Byfeild and John Polf to the Council of Trade and Plantations. On behalf of themselves and the other owners of the *Charles* brigantine, William Sarc, master. Bound from Carolina to the Bahama Islands, the *Charles* was taken by John James, the pyrate, who had formerly taken a Bermudas sloop, William Joell, master. The pirate gave Joell (as he pretended) the *Charles*, and he disposed of her and her cargo at Currassoa. Petitioners pray that their case may be recommended to Capt. Bennett, and that he be directed to report what shall be transacted. *Endorsed*, Read. Read Feb. 11, 1700 (1701). 1 p. [C.O. 37, 3. No. 52; and 38, 5. p. 152.]

Feb. 11. **150.** Council of Trade and Plantations to Lieut.-Governor Bennett, giving instructions in accordance with preceding petition. *Signed*, Lexington, Ph. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney. [C.O. 38, 5. p. 153.]

Feb. 11. **151.** Journal of Council of Trade and Plantations. Letter from the Board of Ordnance, Feb. 8, read.

Letter to Lord Bellomont signed.

Representation upon the Act of Maryland, for the service of Almighty God, signed.

Petition from Micaja Perry, etc., read. Letter written recommending the matter to Capt. Bennet.

Feb. 12. Memorial from the Hudson's Bay Company read. Copy sent to Mr. Secretary Vernon.

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Letters from Lieut.-Governor Partridge, Dec. 2, and Dec. 5, read.

Letter from Mr. Burchet, Feb. 3, read, and papers enclosed laid before the Board.

Letter from Mr. Burchet, Feb. 8, with enclosures from Capt. Fairborne, read. Letter to Mr. Secretary Vernon on that matter writ, in which the Memorial from the Hudson's Bay Company was enclosed.

Feb. 13. Memorial from Mr. Brenton, relating to the dispute between Rhode Island and Connecticut read; ordered that a state of the case be prepared and laid before the Board.

Address of the Massachusetts Bay relating to Harvard College, the boundaries of the French, and the Fishery considered. Draught of the Charter for the College read and copy sent to Mr. Solicitor General for his opinion. Their Lordships also made some observations on the Charter.

Mr. Champante announcing that a vessel is about to sail for Newfoundland, ordered that one of the letters lately writ to Lord Bellomont be sent by that conveyance, and the duplicate to the Governor of Maryland by Capt. Bennet.

Mr. Champante also brought back the Acts of the Massachusetts Bay, May 29, 1700, with Mr. Solicitor General's report, which their Lordships resolved to consider with all convenient speed.

Mr. Randolph presented to the Board (as he said, by order of the Commissioners of the Customs) several papers, whereof he has already laid copies before the Lords Commissioners of the Treasury. [*Board of Trade. Journal, 13. pp. 352-359; and 98. Nos. 27-29.*]

Feb. 11. **152.** Minutes of Council of New York. Capt. Jacobus Cortlandt and Johannes Cortlandt produced Col. Stephen Cortlandt's accounts of the Public Revenue, which were referred to be auditted.

John Marsh petitioning for liberty to erect a mill of a new kind, to go with the tide, and desiring an exclusive patent therefor, H.E. and Council promised him encouragement so far as they reasonably could. H.E. promised to use his interest with the Assembly in their next Session for the procuring an Act for the encouragement thereof, provided he pay a reasonable quit-rent to H.M. and do perform the same in twelve months.

25*l.* paid to John Rodman out of the revenue, for building and furnishing the party wall between his house and a tenement belonging to H.M.

Feb. 12. The persons complained against by the petition of John Tollman and Nathaniel Pearsall appeared and both parties were heard. The Board was of opinion that the Act for defraying the public charge did not empower petitioners to make out any warrant without the consent of all the Supervisors of the County, and that the Assessors only have power to issue their warrant under their hands and seals to the Constable or other person appointed to collect the said assessments and to distraint upon refusal, and that the Supervisors only have power to issue their

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warrant to the Treasurer to make payments to defray the publick and necessary charge of each respective county, and whereas the Supervisors and Assessors of that County have very much mistaken the intent and meaning of that Act, and the powers and authorities given therein, petitioners were remitted their fine and imprisonment. [C.O. 5, 1184. pp. 418-421.]

Feb. 12. **153.** Council of Trade and Plantations to the Right Hon. Mr. Secretary Vernon. The Hudson's Bay Company having transmitted to us a Memorial in pursuance of what was required of them when you were at this Board, Jan. 22, we send you copy. We desire you to let us know whether any orders have been given for ye settling of the matter of Capt. Fairborn and Mr. Lilbourn (see No. 142), that we may prepare our dispatches for Newfoundland accordingly. *Signed*, Ph. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney. [C.O. 195, 2. p. 408.]

Feb. 12. **154.** Minutes of Council in Assembly of the Massachusetts Bay. Mr. Speaker acquainting the Lieut.-Governor that he did not expect a full house this day, the great quantity of snow lying on ye ground rendering it difficult for Members to travel, H.E. adjourned the Court till to-morrow.

Feb. 13. And again on the morrow, the Representatives still wanting two Members.

Feb. 14. H.E. summoned the Speaker and Representatives to attend, and acquainted them with what had been done since their last session, agreeable to the Resolves past by the Court, viz., the erecting of a trading house and fortification at Cascobay; making provision for new fortifications at Castle Island, and the revival of a Committee to consider of some suitable medium to supply the scarcity of money for enabling the inhabitants to pay public taxes and to support the trade of the Province, and that the Committee had drawn up some proposals relating thereto, which should be laid before them. He also acquainted them of the transaction of the Eastern Indians with the Five Nations, and of their desire to be joyned in the same Covenant Chain with them, and the Five Nations acceptance of them therinto. He also acquainted them with several Letters and Orders which had been received from Whitehall, as an Order for an accompt of the method of proceedings in the Courts, which had been sent, and Instructions about Mediterranean Passes. His Honour farther informed them of the receipt of letters from Sir Henry Ashhurst, with a copy of the petition of the Earl of Lymrick unto H.M. for the grant of a tract of land at Pemaquid, heretofore the private estate of King James, and the answer given by Sir Henry. Also other papers, which should be laid before them, as also an Address to this Court by several Gentlemen and Fellows of the College, that further order may be taken referring to schools in the several counties, and suitable encouragement be given for the settling and continuance of learned, able school-masters to train up youth fit for admission to Accademical studys. Which His Honour

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recommended to their serious consideration ; as also the state of the Treasury, and the enlargement of the fund for management of trade with the Indians, that they might be encouraged by receiving a full supply and good usage therein.

The Representatives returned to their Chamber and sent up a deputation to convey their thanks to H.E. and to ask for the papers referred to.

Petitions of Thomas Coram, shipwright, of Taunton and Boston, against irregular proceedings of the Justices of a Court of Common Pleas, in causes between him and Peter Walker and Eleazar Walker ; of the inhabitants of Tisbury, complaining that they were doomed over and above their due proportion to publick taxes ; and of Dartmouth, complaining of their being charged towards building and maintaining the Bridge over ye great River in Taunton, whereof they had no use or benefit, referred for consideration. [C.O. 5, 788. pp. 221-224.]

Feb. 13.
Boston.

155. Minutes of Council of the Massachusetts Bay. Andrew Belcher granted licence to build a warehouse with timber, provided he rough-cast it and slate the roof, upon his wharf adjoining his brick warehouse in Boston, which formerly belonged to Samuel Parris, and is at a considerable distance from other warehouses nearer to the sea, the foundations not being sufficient for brick. Similar licence granted to Samuel Lillie of Boston, merchant. Licence granted to William Hill of Boston to rebuild a timber house in Wings Lane, so as he slate the roof and inclose the sides with rough cast and continue the same from time to time.

Richard Francklin licensed to build a stable of timber near ye Mill-bridge, on condition he sets the same 30 foot from ye mill.

Licence granted to Benjamin Emmons to build a house of timber fronting to the Rope Yard adjoining to Forthill in Boston.

Allowance to Jonathan Remington, Minister at Saco, paid.

Account of John German, Chirurgeon, for attendance upon the seamen in H.M. service on board the *Province Galley*, paid.

4l. 7s. paid on account of repairs to the Town House in Boston. [C.O. 5, 788. pp. 31-34.]

Feb. 13.

156. Receipt for box (containing Commission for trying pirates) for Governor Sir William Beeston. *Signed*, Elias Pearse. *Endorsed*, Recd. Feb. 24, 170^o. *Slip*. [C.O. 137, 5. No. 31.]

Feb. 13.
Kensington.

157. Order of King in Council, approving representation of Feb. 11 (*q.v.*) and ordering the Council of Trade and Plantations to present to H.M. a new bill for establishing the Religion of the Church of England in Maryland, inserting therein such proper alterations as are agreeable to the tolleration allowed here, with a clause for repealing the Act now in force upon passing the new Bill in the General Assembly of the said Province, which is to be done immediately in the next General Assembly, if it arrives there while they are sitting, otherwise that they fail not of passing the said Bill before Christmas next ; and in the meantime the

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present Act is to subsist and continue in force, but not to be put too rigorously in execution. The Lords Commissioners for Trade and Plantations are to signify H.M. pleasure therein by their letter to the Governor of Maryland upon transmitting the new Bill as aforesaid, which is to be done with all expedition. *Signed*, John Nicholas. *Endorsed*, Recd. Read Feb. 14, 170^o. 1 p. [C.O. 5, 715. No. 27; and 5, 726. pp. 31-33.]

Feb. 13.
Kensington.

158. Order of King in Council, directing Mr. Secretary Vernon to prepare a warrant for H.M. signature requiring Sir Wm. Beeston to swear and admit Lieut.-Col. Charles Sadler, Capt. Thomas Clarke, jun., and John Walters (*see* No. 136) into H.M. Council of Jamaica. *Signed*, John Nicholas. *Endorsed*, Recd. Read March 5, 170^o. 1 p. [C.O. 137, 5. No. 32; and 138, 10. p. 145.]

Feb. 13.
Kensington.

159. Order of King in Council, directing the Lords Commissioners for Trade and Plantations to prepare letters for H.M. Signature to Governor Grey as is proposed in their representation of Feb. 6. *Signed*, John Nicholas. *Endorsed*, Recd. Read March 5, 1700 (1701). 1 p. [C.O. 28, 4. No. 81; and 29, 7. p. 270.]

Feb. 13.
Whitehall.

160. William Popple to Sir John Hawles. By order of the Council of Trade and Plantations, I send you the inclosed draught of a Charter desired by the Government of the Massachusetts Bay for a Colledg called Harvard College in that Province, upon which their Lordships desire to know your opinion how consistent it is with the Laws of England and with usual forms in which Charters of this kind are passed here. [C.O. 5, 909. p. 380.]

Feb. 14.

161. Copy of receipt of a package for the Earl of Bellomont. *Signed*, David Robertson. *Endorsed*, Recd. Feb. 14, 170^o. $\frac{3}{4}$ p. [C.O. 5, 1045. No. 16.]

Feb. 14.
Whitehall.

162. Council of Trade and Plantations to Governor Blakiston. Enclosing a packet to be forwarded to Governor the Earl of Bellomont. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [C.O. 5, 726. pp. 33, 34.]

Feb. 14.
Whitehall.

163. Journal of the Council of Trade and Plantations. Letter to Governor Blakiston signed.

Letter to Governor Beeston agreed upon.

Letter to Mr. Secretary Vernon, enclosing extracts from Sir Wm. Beeston's letters, ordered to be prepared.

Order of Council, Feb. 13, read.

Mr. Solicitor General's report upon the Acts of the Massachusetts Bay read, and several of the Acts read and considered. [Board of Trade. Journal, 13. pp. 360, 361; and 98. No. 30.]

Feb. 15.

164. Capt. Bennett's receipt for the letter of the Council of Trade and Plantations to Col. Blakiston, Feb. 14. *Signed*, B. Bennett. *Endorsed*, Recd. Feb. 15, 170^o. $\frac{1}{4}$ p. [C.O. 5, 715. No. 29; and 5, 726. p. 35.]

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Feb. 15.

165. Minutes of Council of New York. Five Orders of Council, Sept. 5, 1700, read; also the letter of the Council of Trade recommending the petition of Matthew Plowman, Oct. 1700.

Ordered that Mr. Evitts attend the Committee for auditing the accounts of Col. Cortlandt, and that they sit on Tuesday and that Mrs. Cortlandt have notice thereof.

The Collector and Receiver General acquainting the Board that warrants of the Government for payment of public moneys have been tendered to him for payment of duties of Customs, ordered that such as are tendered by persons named in them, for duties payable by them, be accepted only. [C.O. 5, 1184. pp. 421-428.]

[? Feb. 15.]

166. Humble Remonstrance of Nicholas Hallam to the Council of Trade and Plantations, praying for a speedy and effectual consideration of his case. [See *Cal. A. and W. I.* 1700, Dec. 5, etc.] *Signed*, Nicholas Hallam. *Endorsed*, Recd. 15th, Read Feb. 17, 1700. $1\frac{3}{4}$ pp. [C.O. 5, 1260. No. 94; and 5, 1288. pp. 441-443.]

Feb. 17.

167. Proposal by Mr. Sadler for preventing frauds in drawbacks. [*Board of Trade*. Trade Papers, 15. pp. 157-162.]

Feb. 17.

Whitehall.

168. Council of Trade and Plantations to Mr. Secretary Vernon. Enclosing extracts of letters lately received from Sir W. Beeston, concerning the insults made by the Spaniards upon our ships and men in the West Indies. *Signed*, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [C.O. 138, 10. p. 138.]

Feb. 17.

169. Theodor Eccleston and John Feild to the Council of Trade and Plantations. We intreat a copy of the New Bill ordered to be prepared for the Assembly in Maryland, before it be approved by you, that, if it should containe anything to be objected against, wee may have time to offer our objections, on ye behalf of our friends in Maryland. 17 12 month called February, 1700. *Signed*, Theodor Eccleston, John Feild. *Endorsed*, Recd. Read Feb. 17, 1700. $\frac{1}{2}$ p. [C.O. 5, 715. No. 30; and 5, 726. pp. 35, 36.]

Feb. 17.

Whitehall.

170. Council of Trade and Plantations to Governor Sir William Beeston. We have received yours of Oct. 7 and Nov. 12, and our Secretary has laid before us the papers of publick proceedings transmitted in your letters to him, Aug. 2 and Oct. 7. We find the Naval Accounts from Sept., 1698-Dec. 1699 to be wanting, and desire you to supply that defect. What you write, Oct. 7, about your refusing to admit the Deputies of the Provost Marshall and of the Receiver General by reason of some doubt about the meaning of H.M. Order in Council relating to Patentees, is not satisfactory to us. We thought we had fully explained to you how we understand that matter by our letter of May 17. For if an Act of the General Assembly limiting the effect of Patents contrary to the conditions allowed by them (that is, excluding

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deputies, where the Patents carry a power of deputing) was thought derogatory to H.M. royal prerogative, and therefore repealed, [and] it was easy to infer how an Act or Resolution of the Council doing the same thing without H.M. allowance or direction must be interpreted. Nor do we see any reason for your refusing to admit the Deputy of the Receiver General, who has a Patent for that place for life with power to act by deputy, unless the deputy presented to you for him had not been fitly qualified, which you do not object. And as to the Deputy of the Provost Marshall, who you say was a very unfit man, you ought to have insisted upon that reason, not upon the Order of Council, for his exclusion, and have sent your particular objections against him to the Board, it appertaining to you to judge of the qualification of Deputies, but not to hinder the effect of the Patents wherein Deputies are allowed. As to your doubt about the sense of some of the Acts for Trade, on which you say you have desired the opinion of the Commissioners of H.M. Customs, you do well to mention it to us, though you are to expect your directions from them what to do therein. And we question not but you will also receive directions from the Secretary of State upon what you have writ to him concerning the insults of the Spaniards, of which we have reminded him. We have lately represented to H.M. about the Forts and fortifications in America, and he having thereupon directed us to require from the Governors of each Plantation a perfect account of the State of Defence of their respective Governments, you are to take notice thereof and transmit the same to us in the most particular manner with all expedition, with what you conceive to be further wanting or fit to be done for the security of that island, and you are to take care that the like accounts be transmitted to us regularly, from year to year. *Refers to Commissions despatched for trying pirates and accessories, gives directions about the sending of Public Acts under separate seals, and instructions to the President and Council, in the event of anything happening to the Governor, only to pass Acts immediately necessary, etc. Cf. No. 146, etc. Refers to the new Councillors (see Feb. 7, 13) and asks for a new list of those fit to supply vacancies in Council. Signed, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [C.O. 138, 10. pp. 139-144.]*

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171. Journal of the Council of Trade and Plantations. Mr. Field and Mr. Eleston presented to the Board a Memorial desiring that the draught of an Act to be prepared for Religion in Maryland may be communicated to them before it receive the approbation of this Board, which was read, and they were told that they should not be surprized in anything, but what might be necessary for their consideration shou'd be communicated to them.

Letters to Mr. Secretary Vernon and Sir W. Beeston, ordered Feb. 14, signed.

Draughts of letters to the Governors of the Leeward Islands, Virginia and Maryland agreed upon.

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Ordered that a copy of the report of the Board, upon his petition, be given to Mr. Hodges, as desired.

Ordered that Mr. Merit be desired to call here on Wednesday. Memorial from Nicholas Hallam read.

Letter from Mr. Asher, Boston, Dec. 1, read.

Feb. 18. Letters to the Governors, agreed upon yesterday, signed.

Acts of the Massachusetts Bay further considered.

Feb. 19. Letter from Mr. Secretary Vernon, Feb. 18, read and answer prepared.

Mr. Randolph presented to the Board an abstract of some papers setting forth the misdemeanours and male administration of Governors in the Proprieties and Charter Governments.

Letter writ to Mr. Secretary Vernon, desiring to know what instructions have been sent to Mr. Grey in relation to the Memorial of the French Ambassador concerning Sta. Lucia. [*Board of Trade. Journal*, 13. pp. 361-366; and 98. Nos. 31-33.]

Feb. 17. **172.** Minutes of Council in Assembly of the Massachusetts Bay. Mr. Treasurer attended the Board with an accompt of the present State of the Treasury, and a computation of what he judged needful to supply the Publick occasions until next May, and was directed to lay the same before the Representatives.

Feb. 18. Bill to encourage able Schoolmasters ordered to be prepared. Proposals of the Committee, appointed to settle the bounds between Dedham and Natick, that the Towns have a hearing before General Assembly, agreed to. The towns to be notified accordingly.

Feb. 19. Bill about Schoolmasters read twice and committed.

Bill for directing the proceedings in cases of forceable entry and forceable detainer, sent up by the Representatives, was read a first and second time and committed. [*C.O.* 5, 788. pp. 224-226.]

Feb. 18. **173.** Mr. Secretary Vernon to the Council of Trade and Plantations. I have layd before the King the papers sent me from the Lords of the Admiralty concerning Lieut. William Lilburne's suspension by Capt. Fairborne at Newfoundland, but H.M. has deferred giving any directions therein till he has received an account from your Lordships how the said Lilburne appears to you to have behaved himself in his command there. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read Feb. 19, 170^y. 1 p. [*C.O.* 194, 2. No. 26; and 25. p. 409.]

Feb. 18. **174.** Council of Trade and Plantations to Governor Codrington. We have not yet received any letter from you. We have committed the Commissions for trying pirates and H.M. letter relating to Accessories to Mr. Cary. *Repeats* instructions sent to other Governors as to sending a state of the forts, etc., and transmitting public Acts under separate seals. [*See No.* 146.] *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*C.O.* 153, 7. pp. 152-154.]

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175. Council of Trade and Plantations to Governor Blakiston. Enclosing duplicates, and giving instructions for rendering an account of the fortifications and stores of war in Maryland, as No. 146, etc.

We have lately had under consideration the Act of the General Assembly of Maryland for the service of Almighty God, etc., and finding many things therein altogether unfit to receive the royal confirmation, which we have accordingly laid before H.M. ; it has therefore been resolved by H.M. Council that a new Bill be prepared with such proper alterations as are agreeable to the tolleration allowed in England, and with a clause for repealing the foresaid Act, now in force. Whereof we shall shortly write you further. It having been alleged that since the first enacting of a law of this kind, which has been several times repealed and re-enacted within these eight or nine years, there has by that means been levied to the value of 30,000*l*, we desire you to inquire into the truth of that matter and to inform us how many so levied has been employed. Repeats instructions given to other Governors (*cf.* No. 146) as to sending all Public Acts under separate seals. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*C.O.* 5, 726. *pp.* 36-40.]

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176. Council of Trade and Plantations to Governor Nicholson. *Refers to Commission for trying pirates and repeats instructions sent to other Governors (cf. No. 146), about sending an account of the state of defence and what is wanted for the security of the Colony, and about sending all publick Acts under separate seals. Since ours of Dec. 4, we have not received any letter. Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*C.O.* 5, 1360. *pp.* 71-73.]

Feb. 18.

177. Minutes of Council in Assembly of Barbados. The Assembly attending, H.E. informed them that he had received intelligence that great preparations were making at Martinico, since the news of the King of Spain's death, and recommended them to take some speedy care for the sufficient repair of the fortifications and for making entrenchments in case of any invasion. He also recommended them to prepare a bill to encourage Magnus Poppell to go on with his proposal for building a mold or harbour.

H.E. recommended to them the donation of Mr. Drax for the building a school-house, and told them that the Trustees are upon the directing a house to be built to answer the intent of the donor, and recommended that several other donations be employed to the like use and that they prepare a bill accordingly.

The Assembly, having withdrawn, returned and announced that they had resolved to appoint Commissioners upon the repairs of the fortifications, and that they would raise a levy for that purpose. Mr. Poppell's proposals were being considered. [*C.O.* 31, 6. *pp.* 399, 400.]

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- Feb. 18. **178.** Journal of Assembly of Barbados. *See preceding abstract.*
 Levy of 12*d.* per head on negroes for the fortifications, to be paid by the last day of May, in proportion to the last levy, ordered.

Petition of William Heysham, for drawback on wine turned eager, granted.

Ordered that the Agents be written to, that they supplicate H.M. to furnish this Island with great guns to be paid for out of the 4½ per cent.

Committee appointed to enquire into various petitions concerning the servants formerly imported. [*C.O.* 31, 6. *pp.* 426-429.]

- Feb. 18. **179.** Minutes of Council of New York. Memorial of the Commissioners of Publick Accounts read, setting forth that by warrant Jan. 25 they required Thomas Weaver, H.M. Collector and Receiver General, to lay before them all the books, accounts and papers relating to the receipts and payments of H.M. Revenue, taxes and customs until Oct. 1 last. He informed them that he had never received them from the executrix (*Gertrude van Cortlandt*) of Col. Stephen van Cortlandt, in spite of the order of Council, made upon his application, directing her to deliver them into H.E. and Council, with all expedition. The Commissioners therefore cannot make any further procedure in the execution of the trust reposed in them, but have rather great reason to believe that it is the design of some ill-affected persons to conceal, if not wholly to imbezle, the said accounts, because (1) they are removed from H.M. Custom House, the most proper place where they ought to be lodged, so that now they are not in the custody of any sworn officer of H.M. Revenue, nor any inventory of them that the Commissioners can find. (2) It is now near three months since the decease of Col. Cortlandt. (3) His executrix declared to Mr. Weaver that her husband had none of the King's books and that what books she had were her husband's and she would not part with them. (4) Col. Cortlandt decd. having taken recognizances for the payment of the several sums agreed to by the farmers of H.M. excise and dyeing, as we suppose, possessed of them, we are well informed that his executrix since his decease hath by virtue of the said recognizances received several summes of H.M. excize and may continue so wholly to receive that considerable branch of H.M. revenue, the subjects believing that the delivery up of their recognizances to them is a sufficient discharge for their debt to H.M. (5) It hath been frequent with the Collector and Receiver to give some time and credit to the responsible merchants of this City for payment of H.M. duties and customs, and Col. Cortlandt having so done, we find that his executrix hath presumed to draw up accounts and make demands of the summes so given credit for. (6) Mr. Samuel Bayard, the son-in-law who manages the books and accounts of the executrix, informed one of the Commissioners that they must not expect the accounts of his father to be given them these twelve months. (7) The Commissioners are certain

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that Col. Cortlandt hath received great summes out of H.M. revenue, of the disposall of which they have no accounts, nor can have if the said books, accounts, and papers be so concealed or imbezilled. Feb. 15, 1700 (1701). *Signed*, Rip van Dam, Cornelius Sebering, D. Provoost, Leonard Lewis, Abr. Gouverneur.

Memorial of Thomas Weaver, to the same effect, also read. He hath great reason to believe that Gertrude van Cortlandt is encouraged in her undue proceedings for that there is no Court of Exchequer as yet erected in this Province, nor any person learned in the law to prosecute in behalf of H.M. *Signed*, T. Weaver, Feb. 18, 1700 (1701). The said Collector and Receiver was sworn and gave in his deposition relating to the books and accounts of the Revenue. Whereupon it was ordered that a warrant immediately issue to the Sherriff of New York empowering him to seize all such books *etc.*, which was done and the accounts and papers relating to H.M. revenue were delivered by him to this Board at 9 o'clock in the evening.

Feb. 19. Mr. Barne Cozens, Clerk of the Council, swore to the truth of his deposition relating to the refusal of Mrs. Cortlandt to deliver the books of accounts, *etc.* Ordered that she, together with her son Johannes van Cortlandt, and John Basford, attend to-morrow and deliver all the books of accounts of taxes kept by Col. Stephen van Cortlandt, together with all recognizances and other papers relating to H.M. Revenue of Excize in their possession, together with a list of the severall farmers thereof for the severall years, and that upon oath.

Ann Chappell, Tavern-Keeper in New York, declared upon oath that she payd the widow of Col. Cortlandt since his death on account of Excise, in return for the recognizance she had given to Col. Cortlandt for that payment. Proclamation ordered commanding all persons indebted to the King's Revenue to pay only the present Collector.

Feb. 20. Mrs. Cortlandt, her son and John Basford, appeared and desired a list of what books, *etc.*, were required of her, which was given them. Ordered that they be delivered to H.E. and that the list of debts enumerated, outstanding for Customs and Additional duties, be allowed as payment to the executrix and credit given to Col. Cortlandt for soe much.

Ordered that Robert Walters and Johannes Depeyster provide firewood for Fort William Henry. [*C.O.* 5, 1184. *pp.* 428-449.]

Feb. 19. 180. Edward Randolph to the Council of Trade and Plantations. Abstract of paper shewing the high crimes and increasing misdemeanours of male administration of the Governors in the severall Proprieties.

Bahama Islands. Col. Nicholas Trott was Governor of Providence, 1695, when Every came thither in the *Fancy*. *Cites case of Trott's dealings with that pirate.* He was succeeded by Col. Nich. Webb, who by great oppression and exacting extravagant fees from Masters of vessels gott in about two years 7 or £8,000, and then making Read Elding Dep.-Governor of the Bahama Islands, Matthew Middleton, a Red Sea man, Governor

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of the Islands of Elutheria and Harbour Island, and John Warren, another Red Sea man Attorney General, he went to Philadelphia, where his men ran away with his vessel and all his money, where he ended his life and government also. The next Governor was Read Elding; he is charged with committing piracy upon a New England ship from Jamaica, which was restored in Governor Webb's time, but Elding detained 190*l.* of the money, refusing to pay it, unless the Master would give him a full discharge. He has turn'd the Judge of the Admiralty (appointed by the Lords Proprietors) out of his place, and made one Dalton, a Red Sea man, Judge in his room, and Parker his brother-in-law, and one of the chief of Every's men, the Marshall. He has, by Elding's directions, seized four small vessels built in the country, for not being registered, one of which belonged to the person I made Surveyor and Searcher of Customs, on purpose to prevent his seizing illegal traders.

South Carolina. John Archdall, late Governor (under his son, a Lord Proprietary of the Province) permitted some of Every's men who came from Providence to land and bring their money quietly a shoar, for which favour he was well paid by them. He gave a permit to Simon Tristrant (a Frenchman borne) who came from St. Thomas, to put off his sugar, wine and cocoa, for which his Marshall received for the Governor a large present, and therefore he would not suffer the Judge of the Admiralty nor the Collector to seize her, saying she belonged to English owners. He allowed one Day, Master of a great ship of Bristol, from Jamaica, to sell his cargo of sugar to a merchant in Charles Town upon condition that he should have a share. Mr. Blake, his successor, sent 6 barrels of gunpowder, bought for defence of the country, to his agents to purchase skins of the Indians. He clandestinely got 80*l.* from William Joel, Master of a Bermuda sloop, and caused a Carolina sloop from Guinea to be seized for the same reason, that she was not registered, when-as the time for registering vessels was not expired, discharging her upon the owners' promise to pay him 50*l.* He was consenting to the seizing of the *Carlisle*, stopt 5 months in the country, upon pretence that the Master was a pirate, but the design was to get her into his and his confederates' hands, by putting the sailors upon seizing her for their wages, and then get her to be sold to them for little or nothing. By a trick he put upon the credulous Master of the *Edward and Sarah* of London, loaden with sugar from Jamaica, he gott the management of the vessell, and her loading into his hands, and leaving that to the care of one Loggen, they imbezilled the sugar, and brought in extravagant charges for commission, which were allowed; the vessel was sunk through their neglect, yet they demanded and had 30*l.* for their care. *Case of the Snow galley and of the Cole and Bean.* He turned Mr. Nicholas Trott, appointed Naval Officer by the Lords Proprietors and also by the Commissioners of H.M. Customs, out of his place, because he was diligent and faithful, and put another therein, who was his confident, and not fit for the place.

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North Carolina. Thomas Harvey, late Governor, was deputed by Mr. Archdall. He put Masters to great charges, because of their not being registered, though the time limited for registering was not expired. The tobacco made in their island is generally carried to Boston or to the islands near Connecticut, where it is carried to Scotland, which fraud ought speedily to be prevented. During his Government H.M.S. *Fwoy* (*Fowey*) was drove ashore. The inhabitants robbed her and shot into her sides and disabled her from getting off. The Actors were tried and one of the chief was banished. Henderson Walker, the present Governor, is in no sort fit for the office.

The three lower Counties of Newcastle, Kent and Sussex lying in Delaware Bay. Mr. Penn has the soyle granted him by two deeds from the late Duke of York, but he usurps the Government, and exercises regal power over them upon an imaginary title, grounded upon a sham law of his own contriving made at Chester by wheedling the credulous inhabitants to entreat him to take them under his protection. Since Mr Penn's arrival the tobacco made in those countries has risen from 4 or 500 hds to 3,000 last year. The greatest part is shipped off to foreign Plantations, Scotch factors being settled there to buy it up for that purpose. *Case of Lieut.-Governor Markham.* Mr. Penn soon after his arrival, contrary to his promise to the first settlers of his Province, procured an Act to lay great duties upon the inhabitants for his own proper use, but has not proclaimed H.M. King.

East and West Jersey. The Proprietors have right to the soyle, but not to the Government of those Provinces. The Quakers are now contesting for Col. Hamilton, their present Governor, tho' not allowed off by H.M. Order in Council, as the Law directs. The country is too large and the inhabitants too few to be continued a separate Government. Therefore East Jersey ought to be annexed to N. Yorke and West Jersey to Pennsylvania, and the three lower counties, which will make a considerable and useful Government.

Colony of Connecticut. The chief of the inhabitants do assist and countenance the concealing of prohibited goods. *Colony of Rhode Island.* The inhabitants at all times harbour and abet pirates. The Government is in the hands of Quakers. *Massachusetts Bay.* They continue their illegal trade, being now countenanced by three of the Members of their Council, especially, who sit and are judges in the Court of Trials and favour the Defendants, and openly discourage those who prosecute for H.M., and deny them legal appeals. They having not long since obtained a new Charter, have annulled all former laws for raising a maintenance for a Governor, on purpose to discourage honest well-qualified Gentlemen, desiring thereby to continue the administration amongst themselves, rendering that Government precarious only. *New Hampshire.* William Partridge is at present the Lieut.-Governor, a mill-wright in no sort fit for Government. He some time since sent a great quantity of tobacco to Newfoundland, and has forfeited his bond of 1,000*l.* for not producing a legal certificate to discharge it. *Newfoundland.* Formerly

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called Avalonia, is the propriety of Lord Baltimore, and by the Act for encouragement of trade, xv Charles II, is made one of H.M. Plantations, and belongs to the Crown. It has been and is to this day a great staple for all European and Plantation commodities. The Scotch have lately settled a factory there, and send sugar, tobacco, etc., to Scotland, Holland, and other prohibited places, and our English vessels make their returns in wine, brandy, oyle, and other European Commodities, which are dispersed in small quantities to all H.M. foreign Plantations.

These many misdemeanours arise chiefly from a very great neglect in the Proprietors, not taking due care to provide an honourable maintenance for support of their Governors, which is the true reason why noe honest gentleman of good reputation and ambitious to serve H.M. will leave his country to live upon the rapine and spoil in the Proprieties, as many of them have done for several years past. Neither have they taken any notice of the frequent complaints of the grievous oppressions done by their Governors, nor of their exacting extravagant fees from masters of vessels and other tradeing persons, so as to redress them, whereby lawful traders have been wholly ruined. They have not, during the late war, sent over any great guns or small arms, or stores, nor provided ships of war to be man'd where necessary, so that all the Proprieties lie open to invasion, especially S. Carolina, lying within 60 miles of the town and port of St. Austin. It is therefore humbly proposed, (1) That the Government of all the Proprieties be forthwith vested in the Crown. (2) That all the just rights and properties of the Proprietors, and also of all the persons claiming by or under them, be continued and confirmed to them by Act of Parliament to be enjoyed in as full and ample manner as they have or may of right enjoy by vertue of their respective grants or patents.

P.S.—Since presenting the foregoing abstract, I am informed by persons lately come from Newcastle that there were above 3,500 hhds. of tobacco made last year in the 3 lower counties, and that Mr. Penn dissolved one Assembly and called another about Oct. 21 last at Newcastle, being noe part of his Province, nor Government, and made several laws there. And for the greater encouragement of illegal traders, he appointed Joseph Wood, worth little or nothing, to be the Collector of H.M. Customs at Newcastle in the room of Mr. Birch, a good officer then deceased, and endeavoured by all means to get from Mrs Birch all her husband's papers. Mr Penn did likewise intercept the letters and a packet from the Commissioners of Customs to Mrs. Birch under the Earl of Bellamont's cover, and did keep them tho' often demanded. And did also strictly charge one Swift, who he knew had a packet from Col. Quarry to the Commissioners of Customs, not to deliver them till one month after his arrival, which at last could not be had by the Col.'s correspondent without the assistance of a Custom House Officer, who first broke open Swift's chest. *Signed, E. Randolph. Endorsed, Reed. Feb. 19, 170^o. 12½ pp. Enclosed,*

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180. i. Copy of Conveyance of Delaware from the Duke of York to Mr. Penn. Aug. 24, 1682. *Endorsed*, Recd. Feb. 21, 170⁹. 3 $\frac{1}{4}$ pp.
180. ii. Copy of Conveyance of New Castle from the Duke of York to Mr. Penn. Aug. 24, 1682. *Endorsed as preceding*. 3 pp.
180. iii. Copy of Act of Assembly past at Chester in Pennsylvania, Dec. 6, 1682, by which Mr. Penn claims the Government of the three lower counties. *Same endorsement*. 2 $\frac{1}{4}$ pp. [C.O. 5, 1260. Nos. 96, 96. i.-iii.; and 5, 1288. pp. 445-483.]

Feb. 19.
Whitehall.

181. Council of Trade and Plantations to Mr. Secretary Vernon. We entreat you to acquaint us if any Instructions have been sent to Mr. Grey in relation to the Memorial of the French Ambassador concerning Sta. Lucia. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, Geo. Stepney, Mat. Prior. [C.O. 29, 7. p. 262.]

Feb. 20.
Whitehall.

182. Council of Trade and Plantations to Mr. Secretary Vernon. In reply to your letter, Feb. 18, we have examined the papers relating to Capt. Fairburne and Lieut. Lilburne, and desire you to represent to H.M. that Lilburne does appear to us to have been chiefly blamable, in taking money for preserving stages for some fishing ships to the prejudice of others, in employing fishing boats upon his own account, in exercising an authority amongst the inhabitants (all which particulars no military Commander ought to be concerned in) and in exacting too great rates from the soldiers for shoes and stockings furnished to them, besides other matters of less moment. You will farther please to acquaint H.M. that Mr Haven, the Ensign who was the chief accuser of Lieut. Lilburne, appears to have been too busy in fomenting discontents and murmurings amongst the soldiers and inhabitants, and is engaged in divers quarrels and disputes there, so that we do not conceive it fit for H.M. service that either of those officers be continued there, but humbly propose that others may be sent in their stead by the convoy that is now on departure for Newfoundland. *Signed*, Lexington, Ph. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney. [C.O. 195, 2. pp. 410, 411.]

Feb. 20.
Kensington.

183. Order of King in Council referring the draft of a Proclamation for the apprehending and convicting of pirates back to the Council of Trade and Plantations to consider and report on Tuesday next what time is fit to be allowed to persons serving on board any pirate ship to come in and make any affidavit of the piracies committed by such ship. *Signed*, John Nicholas. $\frac{1}{2}$ p. *Enclosed*,

183. i. Draught of Proclamation referred to in preceding. *Endorsed*, Recd. Read Feb. 21, 170⁹. 3 pp. [Board of Trade. Plantations General, 5. Nos. 86, 86. i.; and (without enclosure) 35. p. 374.]

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Feb. 20.
Whitehall.

184. Journal of Council of Trade and Plantations. Mr. Merit, attending as desired, promised to return answer next week as to whether any ship that he and his friends are concerned in, designing from Pool to Newfoundland, cou'd carry thither about 170 tons of Portland stone.

Letter to Mr. Secretary Vernon signed and sent.

Feb. 21.

Mr. Champante desiring directions about sending forwards the Commission to Lord Bellomont, ordered that he may send it by way of New England.

Mr. Bass presented to the Board a memorial praying their Lordships to proceed upon the consideration of the petition of the inhabitants of East New Jersey, which was read. He was told that the Board is mindful of it and will make what dispatch they can.

Order of Council, Feb. 20, upon the draught of a Proclamation for encouraging the apprehending and convicting of pirates read, and several observations being made by their Lordships upon the said draught, ordered that the old and new East India Company and the African Company have notice, that they may send some of their members to attend this Board on Tuesday, in order to the further consideration thereof, and that the like notice be given to the Barbados and Jamaica Agents, to Mr. Cary and Mr. Jory for the Leeward Islands, and to Mr. Perry for Virginia and Maryland.

Mr. Randolph presented to the Board copies of papers relating to Pennsylvania. [*Board of Trade. Journal, 13. pp. 366-369; and 98. Nos. 34, 35.*]

Feb. 20.

185. Minutes of Council of the Massachusetts Bay. *6l.* paid to Mr. William Noyes of Newberry, Commissary to the souldiers about Merrimack River in the time of the late war with Indians. [*C.O. 5, 788. p. 34.*]

Feb. 20.

186. Minutes of Council in Assembly of the Massachusetts Bay. Bill to encourage Schoolmasters amended, passed, and sent down.

Bill about forceable entry amended and passed. Bill, directing how Town officers shall be sworn in such Towns where no J.P. dwells, read a first time.

Petition of David Jacobs and Joseph Otis on behalf of the ancient and first Church or Congregation in the Town of Situate, praying a reconsideration of an order past last Session relating to the settling of distinct boundaries or precincts for support of the Ministry there, was read, Order for hearing petitioners was sent down to the Representatives for their concurrence. Order for hearing the petition of Dartmouth (*see* Feb. 14) next session sent down to the Representatives.

Richard Honnywell, of Boston, Mason, discharged of his recognizance whereby he is bound to demolish a timber house he has set up, adjoining his dwelling, without approbation and licence as the law directs. This order also sent down to the Representatives for their concurrence.

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Bill about Town officers read a second time, passed and sent down.

Bill about forceable entry etc. read and passed to be enacted.

Bill against making or passing counterfeit money was read a first time, amended, read a second time, passed and sent down.

Petition of Tisbury read and ordered to be sent down.

Bills for tolling horses to be shipt off and for making of malt, sent up, were read twice and committed.

The Representatives concurred with the Orders upon the petitions *supra*, Feb. 20. [C.O. 5, 788. pp. 226-229.]

• Feb. 21.

187. Mr. Basse to the Council of Trade and Plantations. In behalf of the inhabitants of East New Jersey. The negligence, procrastination and delays of the Proprietors occasions me with all humility to intreat your Lordships to proceed to a consideration of the petition of the inhabitants of the said Province, referred to you by H.M., and appoint some time when the proofs of the said petition, as far as it relates to matters of fact, may be laid before you. This I am emboldened to request, not only from the pressing necessities of that distracted P[rovince], amongst whom the current of the laws are stopt, and not the shadow of Government remains as by late advices I am credibly informed, and the King's interest in this state of anarchy by the total neglect of the Plantation Laws considerably suffers. *Signed, J. Basse. Endorsed, Reed.* Read Feb. 21, 1701. $\frac{3}{4}$ p. [C.O. 5, 1260. No. 95; and 5, 1288. pp. 443, 444.]

Feb. 21.

New York.

188. Governor the Earl of Bellomont to the Council of Trade and Plantations. I send this by a ship bound for Holland, but it is to touch at some port in England. I am not satisfied how far aliens made denizens in England are qualified to be admitted owners and masters of ships by the Register here, but having the advice and consent of the Council therein, I do at present permit them, until I have your Lordships' pleasure, and therefore I desire your direction in these queries; 1st, whether Denizens made in England are so qualified, and, 2nd, if so, what proof of denisation shall be accounted sufficient to us here, whether a certificate thereof from a publique Notary in London, or what? 3rd, whether Scotchmen are qualified to be owners and masters of ships. I desire your Lordships will be speedy in your answer, because it is of great consequence to the trade of this place.

Here hath been a villanous design to imbezell the bookes, accounts and papers of H.M. Revenue. Col. Cortlandt, late Commissioner of the Revenue, dyed Nov. 25 last, having them in his custody, at his decease. On the arrival of Mr. Weaver, Dec. 30, with the King's Letters Patents, he, being admitted and sworn Collector and Receiver of the Revenue, could not find any of the books, accounts and papers in the publique office. He often demanded them of the Executrix and son of Col. Cortlandt, but could not procure them, so that he applyed to mysele and the Council on Jan. 27 last, and produced a warrant from the Commissioners for stateing the publick accounts of the Province,

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appointed by Act of General Assembly, directed to him and commanding him to lay the publique accounts of the Revenue before them, whereupon we made an order, as by the Minute herewith sent. On Jan. 30, the Cortlands delaying to get their accounts ready, excused themselves as by the said minute appears. On Feb. 11 they produced to mysele and the Councill some extracts of the publick accounts, very imperfect, and not originals, but did not produce any of the Books of the Revenue. Thereupon mysele and Councill finding that they purposely delayed the time, that they might continue on to receive the publique Revenue as they had done from the death of Col. Cortland, and fearing that, if we were not very cautious in managing them, that they would wholly suppress and imbezell the King's Books, we on Feb 15 made an order that the Members of the Council should auditt the said accounts on the 18th. On which day severall memorialls from the Commissioners for stateing the publick accounts and from Mr. Weaver the Collector being given in, we have proceeded according to the Minute of Councill of Feb. 18, and seized most of the Books of the Revenue, which they positively refused to deliver to the Gentlemen of the Council, who demanded them, and have likewise seized many recognizances given for the payment of excise, by vertue of which the widdow of Cortland demanded and received severall sums of that part of the revenue since her husband's death, and it will cost us some difficulty to discover exactly how much, but we have a deposition of one sum, which is transmitted in the said Minute.

The Gentlemen of the Councill at first view of the extracts found one article of 95*l*. for which the King had no credit given him, and without question there are severall others; which was so great an alarm to the Cortlands that, had we not luckily seized the Books that night, we have reason to believe they would never have been found or produced. Now the books, *etc.* are in our custody, they shall forthwith be delivered to the Commissioners of the publique accounts, who, as they express in their memoriall, without them were at a full stop and could not proceed in the trust reposed in them by the Act of General Assembly, and likewise the Collector may repair to them and peruse them, without which he would be altogether in the dark where to demand any arrears of taxes, quit-rents or other branches of the Revenue. And indeed I am apt to believe it was what the faction reckoned a Masterpiece, and depended upon it to put all the Government here into confusion, by advising the widdow Cortland to detain the publick books, Col. Bayard being her brother-in-law and Mr. Nicholls her nephew, her cheif Councillours, both which were removed from the Councill by me at my first coming to the Government, for reasons which your Lordships have thought sufficient to confirm their removall, and both which have extravagant grants of lands, which they, with severall others fear I shall for his Majesty's service get broke by the next Assembly, if the former Act for vacating extravagant Grants of Lands pass the King's approbation, which I hope to have an account of in your Lordships' next packets to me. I shall only observe further

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that I am of the same opinion with the Collector, who in his memoriall doth believe that the Cortlands were encouraged to these practices by reason there is no Court of Exchequer in this Province to call them to an account, nor until your Lordships are pleased to send us an able Chief Justice and Attorney Generall can we prosecute or proceed against them, which consideration will I hope dispose your Lordships to hasten them over to us. On Jan. 27 I swore Mr. Weaver one of H.M. Council, in the place of Mr. Graham, who dyed some days before, and I desire your Lordships' approbation of him that he may be confirmed by his Majesty. *Signed*, Bellomont. *Endorsed*, Recd. Read May 2, 1701. 3 pp., including list of enclosures. *Enclosed*,

188. i. Governor the Earl of Bellomont to the Lords of the Admiralty. New York, Feb. 20, 170 $\frac{0}{7}$. I was directed by the Council of Trade to try how conveniently the King might be furnished with masts for his ships of war from this Province. I hope my contract for masts is with your Lordships by this time. I cannot but think the cheap bargain I made will be pleasing to your Lordships. *Details, with estimate of cost of freight*. I have taken the boldness to draw a Bill of Exchange on your Lordships for 240*l.* sterling, 300*l.* New York money, which is the sum I have advanced to the undertakers for the masts. I hope you will comply with my Bill, since 'tis for the King's service. I am ordered by the Lords of the Council of Trade to provide masts, but am not instructed how they are to be paid for. *Desires directions for future contract for masts*. *Signed*, Bellomont. *Endorsed*, Recd. May 2, 1701. *Copy*. 1 $\frac{3}{4}$ pp.

188. ii. Minute of Council of New York, Jan. 27, 1700 (1701). 1 p.

188. iii. Minute of Council of New York, Jan. 30, 1700 (1701). $\frac{3}{4}$ p.

188. iv. Minute of Council of New York, Feb. 11, 1700 (1701). $\frac{3}{4}$ p.

188. v. Minute of Council of New York, Feb. 15, 1700 (1701). $\frac{3}{4}$ p.

188. vi. Minute of Council of New York, Feb. 18, 19, 1700 (1701). 18 $\frac{1}{4}$ pp.

188. vii. Copy of Proclamation forbidding payment of the Revenue to the Cortlands. *Signed*, Bellomont. New York, Feb. 19, 1700 (1701). *Sealed*. 1 p.

188. viii. Minute of Council of New York, Feb. 20, 1700 (1701). 1 $\frac{1}{2}$ pp.

188. ix. Copy of warrant to the Sheriff of New York to search for books *etc.* of the Public Accounts. Feb. 18, 1700 (1701). 1 p.

188. x. Inventory of Books, *etc.* of the Public Accounts seized by the Sherriff of New York in the house of Mr. Chappell. *Signed*, Peter D. Mill, Sherriff. *In the presence of*, J. D. Riemer, Mayor, Abrah. Gouverneur, Recorder, D. Provoost, Justice. *Endorsed*, Recd. May 2, 1701. 1 p.

188. xi. Minute of Council of New York, Jan 27, 1700 (1701). 1 p. *Same endorsement*.

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188. xii. Minute of Council of New York, Feb. 3, 1700 (1701). $\frac{3}{4}$ p. [*C.O.* 5, 1046. Nos. 4, 4. i.-xii.; and (*duplicates of letter*, Nos. i.-ix. and xi., xii.) 5, 1044. Nos. 42, 42. i.-xi.; and (*letter and enclosure i. only*) 5, 1118. pp. 270-278; and (*abstract*) 5, 1133. p. 151.]

Feb. 22.
London.

189. Copy of receipt of a box for Governor the Earl of Bellomont. *Signed*, David Robertson. *Endorsed*, Recd. Feb. 22, 1700. $\frac{3}{4}$ p. [*C.O.* 5, 1045, No. 17.]

Feb. 24.
Whitehall.

190. Journal of Council of Trade and Plantations. Letter from Lord Bellomont, Nov. 28, with enclosures, laid before the Board. Some entrance made into the consideration thereof; also of extracts of letters, with enclosures, to the Secretary. Acts of Assembly enclosed ordered to be sent to Mr. Solicitor General, and Muster Rolls to the Agent for the four Companies.

Further progress made in the consideration of the Acts of the Massachusetts Bay, May 29, 1700.

Feb. 25.

- Some members of the Old and New East India Companies and of the African Company, as likewise the Agents for some of H.M. Plantations and other merchants concerned there, attending as they had been desired in reference to the draught of a Proclamation for encouraging the apprehending and convicting of pirates, the African Company agreed as to the places and persons to which any pirates might be directed to surrender themselves on the Coast of Africa (*enumerated*). Several proposals were also made by them and others in relation to the limitation of the time for granting of pardons. But the two East India Companies both of 'em desired time to bring in memorials in writing, after which their Lordships made some further progress in the consideration of that matter. [*Board of Trade. Journal*, 13. pp. 370-381; and 98. Nos. 36, 37.]

Feb. 24.

191. Minutes of Council in Assembly of the Massachusetts Bay. Bill for tolling horses to be exported rejected, and a new Bill ordered to be brought in embodying the amendments of the Committee.

Bill for making of malt rejected, and a new Bill ordered to be drawn embodying the amendments of the Committee. These Bills were read twice, passed and sent down.

Bill for the relief of Thomas Coram, according to his prayer, read twice and committed.

Petition of the Tavern-Keepers in and about Boston praying relief against the severity of the Act relating to Exeise, read and referred to Committee.

Petitions of gunners etc. for their allowances referred to the Representatives.

Feb. 25.

- Bills for the convenient and speedy assignment of dower, and directing the admission of inhabitants into towns, read twice and committed. Bill relating to the prosecution of appeals was read twice and committed.

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The Lieut.-Governor summoned the Representatives and further pressed upon them the consideration of making necessary provision for the fortifications on Castle Island, Trade with the Indians and stores of war.

Upon the report of the Committee, disapproving of the method proposed by Thomas Coram's Bill, ordered that Peter and Eleazar Walker be first summoned to appear, if they see cause. This order sent down to the Representatives. [*C.O.* 5, 788. *pp.* 229-232.]

Feb. 25.
Whitehall.

192. Mr. Secretary Hedges to the Council of Trade and Plantations. Referring enclosed petition for their consideration and report. *Signed*, C. Hedges. *Endorsed*, Recd. Feb. 26. Read March 6, 170¹. 1 *p.* *Enclosed*,

192. i. Petition of Agents of Barbados and others to H.M. the King in Council, Jan. 31, 170¹. *Signed*, J. Kendall, Edw. Littleton, Richd. Bate, Wm. Cleland, Tho. Maxwell, Samll. Barwick, Wm. Allamby, Mel. Holder, Nath. Rous, Jo. Harwood, M. Crowe, Will. Wheeler, John Gray, Wm. Bridges, Fran. Eyles, Rob. Heysham, Rich. Guy. *Copy.* 4 *pp.* *A Repetition of petition abstracted Cal. A. and W I., Dec. 6, 1700. No. 981. g.v.* [*C.O.* 28, 4. *Nos.* 84, 84. i.; and 29, 7. *pp.* 263-269.]

Feb. 25.
Whitehall.

193. William Popple to Sir John Hawles. The Lords Commissioners for Trade and Plantations command me to send you the Acts past at a General Assembly at New Yorke, Oct. 26 last, and desire your opinion upon them in point of law, as likewise upon those which I sent you, Dec. 13, with what speed you can. [*C.O.* 5, 1118. *p.* 210.]

Feb. 26.
London.

194. Mr. Cary to [? Mr. Popple]. Giving an account of ye conveyance of letters etc. to Governor Codrington. 1 *p.* *Signed*, Rd. Cary. *Endorsed*, Recd. Feb. 26, 170¹. [*C.O.* 152, 4. *No* 20.]

Feb. 26.
Whitehall.

195. Journal of Council of Trade and Plantations. The New and Old East India Companies represented their dislike that any pirates shou'd be encouraged by promise of pardon to surrender themselves to any of their Factories in India, lest such pardoning of pirates shou'd be ill interpreted by the Mogul, under whose protection they live there.

Lord Bellomont's letter, Nov. 28, further considered. Extracts ordered to be made, relating to his contract for masts, in order to laying the same before H.M.

Feb. 27.

Further progress made in preparing the draught of a proclamation for encouraging the apprehending and conviction of pirates.

Feb. 28.

Above draught emended and ordered to be transcribed.

Lord Bellomont's letter, Nov. 28, further considered. [*Board of Trade. Journal*, 13. *pp.* 381-385; and 98. *Nos.* 38-40.]

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- Feb. 26. **196.** Minutes of Council of the Massachusetts Bay. General Council appointed for March 6 to elect Sheriffs for the Counties of Suffolk and Plymouth. [*C.O.* 5, 788. *pp.* 35, 36.]

- Feb. 26. **197.** Minutes of Council in Assembly of the Massachusetts Bay. Bill relating to the prosecution of appeals amended, passed and sent down.

Bills about Tolling Horses and Town Officers sent up, and passed, were assented to by H.E.

The Representatives agreed that Peter and Eleazar Walker should be summoned to appear in the matter of Coram's Bill, and further ordered that the Justices of the Inferior Court of Common Pleas in the County of Bristol should also be notified to appear, which this Board concurred with.

The Lieut.-Governor read a letter from Mr. Increase Mather, President of the College, Cambridge, Oct. 17, 1700, giving an account of his inspection of the Colledge, whilst he resided there, and containing the reasons of his removal from Cambridge, as his not having his health there, etc., and desiring that another President might be thought of. Advised, that so much of the letter as relates to the Colledge be copied and sent down to the Representatives.

- Feb. 27. Committee appointed to consider of the scarcity of money and to report upon proposals for supplying it.

The following resolve was sent down to the Representatives for their concurrence: That proper Committees be appointed to overlook, sort and take a particular accompt of the several records, books, grants, files, papers and writings of concernment belonging to the late Colonies of the Massachusetts and New Plymouth, Province of Main and the County of Devon, now united into one Province, and to make report and return thereof unto the next General Assembly to the intent that the said several Records etc. may be preserved, intrusted and put into the hands of fit persons to be safe kept, and they sufficiently empowered to give out attested copys to any concerned therein or that shall desire the same.

Resolve, appointing a Committee to examine claims of Proprietors of Lands eastward of the Town of Wells, passed and sent down to the Representatives for their concurrence.

Amendments of Committee to the Bill for the speedy assignment of Dower agreed to. New Bill ordered to be drawn accordingly.

Bill for rendering an accompt of fines etc., sent up from the Representatives, was read twice and committed.

- Feb. 28. The weather preventing the Lieut-Governor's coming to town, he adjourned the Council till March 3. [*C.O.* 5, 788. *pp.* 232-234.]

- Feb. 28. **198.** Thomas Hodges to the Council of Trade and Plantations. The remedy proposed in your report to H.M., Feb. 6, is so far from contributing to the relief of petitioner or to a general amendment of the administration of justice in Barbados, that a contrary

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use will be made thereof, when they find that the only remedy to be had in England on complaints of the greatest oppressions fully proved is that the persons who complain shall be delivered up into the hands of those they have so justly complained of. Petitioner prays for reconsideration and an additional report, emphasising points made in former memorials (*replied to and indicated by the MS. notes March 5, No. 209, q.v.*), and "wholly omitted in the Report." Since his last memorial, petitioner hath received credible information of the following articles of male administration in Barbados, and desires your Lordships would summons such witnesses as he shall name and examine them on oath, while they are in London; (1) The Court of Errors did not sit in above two years' time of this Governour's being there, by which all judgments at law are stayed, on which such writts were brought. (2) Besides neer 400 causes depending in Chancery, there were lately about 800 causes depending at one time in two of the Courts of Common Pleas. There are five such Courts in all. (3) The Court of Chancery, when any debate does arise about making an order or decree, dos turn out all the suitors and other persons whatsoever, and then privately debate and poll for the same, and pronounce the decree thereon in such private manner. (4) The number of persons put into the Commission of Peace are above 100, with several ill consequences, particularly, one of them, arrested for felony sworn against him, commanded the Assistants to arrest the Constable, and so made his escape, and is still continued in that Commission. Your Lordships may be pleased to consider whether it be for the King's service or from some other motives that such numbers are put into that Commission. With several other Articles of misgovernment, which will shew it to be little better then a solemn ridicule of Civil Government. *Signed, Tho. Hodges. Endorsed, Read March 5, 1700. 5 $\frac{3}{4}$ closely written pp. [C.O. 28, 4. No. 83; and 29, 7. pp. 271-285.]*

March 1. **199.** Mr. Burchett to Mr. Popple. Application being made
Admiralty to my Lords of the Admiralty by Nicholas Trott, Esq., that
Office. they will appoint him Vice-Admirall in the Colony of Carolina, where he designs to make constant residence, they desire to know whether my Lords of the Council of Trade or yourself have had any account of his circumstances or qualifications. *Signed, J. Burchett. Endorsed, Recd. 3rd., Read March 4th. 1700 (1701). Addressed. 3 $\frac{3}{4}$ p. [C.O. 5, 1260. No. 97; and 5, 1289. p. 1.]*

March 1. **200.** Minutes of Council in Assembly of Barbados. On the petition of Ann Gaylard, widow, she was granted 24*l.* for damages done by a negro, whom she had prosecuted. [*C.O. 31, 6. p. 400.*]

March 1. **201.** Mr. Secretary Vernon to the Council of Trade and
Whitehall. Plantations. H.M. commands me to acquaint you that he thinks fitt that there be an addition of a captain and forty men to the Company in Newfoundland, to the end your Lordships

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may take the necessary care to provide provisions and other necessaries, as also for the four recruits that are to be sent thither. *Signed*, Ja. Vernon. *Endorsed*, Reed. 1st., Read March 7th., 170^o. 1 p. [*C.O.* 194, 2. No. 27; and 25. p. 412.]

March 2. **202.** William Popple to Mr. Burchett. The Lords Commissioners for Trade and Plantations desire you to acquaint the Lords Commissioners of the Admiralty *with the contents of preceding*, to the end they may be pleased to give the like directions for the provisions for those men for one year as they have given for the Company now there. P.S.—The Agent for the Company will attend you. [*C.O.* 195, 2. p. 413.]

March 3. **203.** Journal of Council of Trade and Plantations. Directions given for preparing a Representation wherewith to lay before his Majesty the draught of a Proclamation for encouraging the apprehending and conviction of pirates.

Ordered that notice be given to Mr. Attwood and Mr. Broughton to attend with copies of their Instructions, etc.

March 4. Letter from Mr. Burchet, March 1, read. Ordered that Mr. Randolph have notice to attend in order to such information as he may be able to give in connection therewith. Representation, ordered yesterday, signed.

March 5. Order of Council, Feb. 13, *re* Col. Sadler, read. Mr. Randolph attended as ordered yesterday. Reply to Mr. Burchet ordered. Mr. Randolph delivered a paper on the state of defence of the Plantations.

Order of Council, Feb. 13, *re* John Loder, etc., read and a copy taken.

Memorial of Thos. Hodges read. Several notes taken upon it, in order to an answer or other proceedings. [*Board of Trade*. Journal, 13. pp. 385–390; and 98. Nos. 41–43.]

March 3. **204.** Minutes of Council in Assembly of the Massachusetts Bay.

Bill relating to appeals, sent up, was passed and H.E. gave his assent thereto, as also to the Bill about forceable entries. The new Bill for the convenient and speedy assignment of dower was read, passed and sent down.

Amended Bill, directing the admission of inhabitants into towns, read, passed and sent down.

Bill, providing that in suits where goods or estate is attached the defendant be summoned, read twice and committed.

New Bill for rendering an accompt of fines ordered to be drawn embodying the Committee's amendments.

March 4. The above-named Bill was read, passed and sent down.

Amended Bill about Suits read, passed and sent down.

Bill for the surveying of land was read a first time.

Petition of John Burnaby of Boston, merchant, to prosecute an appeal by him made from the sentence of Penn Townsend, J.P., recording him for a lyar, at the prosecution of Samuel Lillie, granted.

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This resolve and the petition were sent down to the Representatives for their concurrence.

Resolve and Order for accommodating and issuing the differences in Watertown, referring to the support of the Ministry, sent up by the Representatives, were read and referred to a Committee.

The Representatives concurred with the resolve of the Board, Feb. 27, appointing a Committee to examine claims of land Eastward of Wells.

Members of the Committee appointed to join with such others as the Representatives choose. [*C.O.* 5, 788. *pp.* 235-237.]

March 4.
Whitehall.

205. Council of Trade and Plantations to the King. In obedience to your Majesty's order, Feb. 20, we humbly offer upon the draught of a Proclamation for apprehending and convicting pirates, that, whereas by the said draught there is a latitude given of 12 months within which time any pirate may come in and be pardoned for all piracies by him committed till that time, there is a great danger in allowing an impunity for so long a time, which may encourage them to commit piracies for several months even after their having received notice of the Proclamation. We have therefore limited the promise of such pardon to pirates only that shall be committed before the 24th June next: with a further proviso that none who shall go out of Europe or commit piracy upon the seas in Europe, or who shall commit piracy in any place whatsoever after notice of this offer of mercy, shall have any benefit thereby. Instead of extending the authority of receiving the submissions and affidavits of pirates, upon which they are to be pardoned, to all persons commissioned to try pirates under the late Act, we have thought it safer to confine that trust to the Chief Magistrates in any of the Ports of England or Ireland, to such of the Governors or Commanders in Chief, for the time being, of your Majesty's Plantations in America, as act by your Majesty's immediate Commission, and to the Chiefs of the Royal African Company. In accordance with the wishes of the East India Company we have limited the surrender of pirates to Europe, Africa and America. We further humbly offer that, as in former proclamations, Henry Every, *alias* Bridgeman, be excepted. We have also made some other alterations of less moment. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. *Annexed*,

205. i. Draught of Proclamation for the apprehending and convicting of pirates, prepared by the Council of Trade and Plantations, as referred to above. [*Board of Trade. Plantations General*, 5. *pp.* 375-384.]

March 4.

206. Journal of Assembly of Barbados. Act with a present of 500*l.* passed unanimously.

Committee for Arrears continued till next sess
Act for a public levy read the first time.

Reports upon the petitions relating to serv
and passed.

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Samuel Cox's petition on that matter referred to the former Committee. Payment of the Clerk's and Marshall's salaries recommended to H.E. [C.O. 31, 6. pp. 429-433.]

March 5.
Whitehall.

207. Mr. Popple to Mr. Burchett. In reply to March 1 the Council of Trade and Plantations command me to acquaint you, that if the person referred to be Mr. Nicholas Trott who resides now in Carolina, they have received a good character of him from Mr. Randolph, and have otherwise themselves no knowledge of his qualifications. But if your enquiry be concerning Mr. Nicholas Trott who was formerly Governor of the Bahama Islands, they suppose it is sufficiently known that he lies under many ill imputations. [C.O. 5, 1289. p. 2.]

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208. E. Randolph to the Council of Trade and Plantations. Report upon the ill condition of the Plantations for defending themselves against invasion. *Bahama Islands*. Providence is the seat of Government. There are about 250 white men, women and children, and as many blacks, molattoes and mustees, who live scattered in and about Nassau. The Spaniards claim those Islands. In July, 1698, the Bonaventure fleet made John Flavell, of Carolina, prisoner and his vessel prize (*see Cal. A. and W. I. 1699. No. 85.i.*) and the General persuaded him to pilot 7 or 800 of his men into Providence Harbour, saying he had a Commission for it, and that he would root the inhabitants out as soon as he could get a pilot. Case of Thomas Smith (*see Cal. 1700, quoted*). The fort was begun to be rebuilt by Col. Trott, having 22 iron guns mounted, but the wall was soe slight that soon after 'twas built, 40 or 50 foot were blown down in one night. That part, which lyes to secure the Harbour, is all open with the shoar and of noe use. Besides the Lords Proprietors wrote to Col. Webb to doe nothing more towards the repairs, soe that place cannot defend itself against a small number of Spaniards, who in 24 hours' sayle can come upon them from Cuba. The best and only place for a fortification is Harbour Island, where is a spacious harbour, 19 foot water lying between Elutheria and Harbour Island and a narrow entrance, where a small fort with 15 guns will secure the Harbour and the Island. The *Winchester* frigott was east away in the Gulf of Florida. A little charge will weigh her guns, which will serve for this and the fort at Providence. The Lords Proprietors have been at noe charge to secure those Islands, but left them to the inhabitants to defend, nor took any care for settling those who were drove off by the Spaniards in 1683. 'Tis absolutely necessary some present and effectual course be taken to defend Providence, otherwise, if the Spaniards or French get that place, it will be a great annoyance to vessels passing through the Gulf of Florida and an utter ruine to our Trade in those parts. The Spaniards likewise lay claim to the Southern bounds of *South Carolina*. Case of Governor Morton, 1686, *quoted*. The Lords Proprietors think their country is well secured by their bar'd harbour, but I have seen a Lieutenant and six Spanish soldiers, who came from St. Augustine to Charles Town in a great

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periago, through small inland creeks leading from one river to another. A small fort with seven guns, built upon the entrance of the narrow passages after crossing the River of Port Royall, or elsewhere, will secure these passages. There is a brick fort at Charles Town not finished, which commands the entrance into Ashby and Coper Rivers. They have no guns mounted, and not 12 small old iron guns mounted on the shoar of the Harbour fit for service. *North Carolina* has a few inhabitants who live scattered up and down upon the rivers and lakes. Their poverty is their security. They cannot get 60 men together in 10 or 15 days' time for their defence. *Virginia* and *Maryland* have no fortifications. There were some forts built formerly, but it is not possible to build any forts for their defence, because they lie low and abound with great rivers, and an enemy may land where they please. Their proper and only defence is made by men-of-war. *Pennsylvania* and the three lower Counties upon *Delaware Bay* are exposed to all danger. It is against the Quakers' principles to use the sword. 'Tis absolutely necessary to secure the entrance of *Delaware Bay* by sending a small frigott thither, which will guard *Pennsylvania* and *West Jersey* from pirates and break the neck of the Illegal Trade, never more practised that (*sic*) since Mr. Pen's arrival. *East and West Jersey* have no Militia; their only security depends upon the Government of *New York*; that of *Connecticott* upon the garrison of *Albany*. Tho' they have many small towns well inhabited, they are not in a condition to defend themselves, for in case the French should get possession of *Albany*, they would soon put *Connecticott* under contribution. There are five or six small guns mounted at *Newport* in *Rhoad Island*; 'tis necessary there were a good fortification with guns to defend that place, there being few or noe soldiers upon the Island, as were formerly, before the Quakers had the Government. I was told about 10 years ago by Capt. Talmash who had been a Buccaneer, that 7 or 800 Buccaneers in the *West Indies* were resolved to get possession of *Rhoad Island*, being a place abounding with provisions, which, if they had effected, all the inhabitants in *New England* could not have driven them off. *Boston* is the only place of defence in *Massachusetts Bay*; there are two forts with several guns, as well as a small fort with three or four guns at *Charles Town* and several guns mounted at *Castle Island*. They take little care to buy ammunition, etc. There are great numbers of men fit to bear arms. The Lieut. Governor, Mr. Stoughton, is a person learned and conversant in books, but wholly unacquainted with military discipline, so that that great country lyes exposed to the incursions of their merciless enemies, the French and Indians. 'Tis true they have settled a militia through the whole Province and some of the Councill and others, being Church-Members, are made the Chief Officers, but not three of them all know how to draw up and exercise a foot company. Lord Bellamont resides at *New York*, and it will be a long time before they can receive the necessary orders from H.E. against the approach of an enemy. In *New Hampshire* there is a fort built upon *Great Island* at the entrance of the

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Piscataqua, and above 20 guns which, with ammunition, were sent thither by her late Majesty, besides some that were there before. Piscataqua is the only place from whence the Great Masts, fit for H.M. Navy, are brought. The French may easily surprise that fort, there not being many men upon that Island to defend it. Once in possession, they will maintain themselves by contribution from the neighbouring inhabitants of Hampton, Exeter, etc.

The rebuilding of the fort at Pemaquid, in the Province of *Main*, has been often discoursed of, but the Bostoners, through whose neglect it was taken by the French and Indians, have not money to do it. There are other forts in *Main*, which might be of great service, and should be repaired, but there are few inhabitants left, and those ruined.

From consideration whereof 'tis humbly proposed, that the Lords Proprietors and others clayming right to the several Proprieties be forthwith required to send great guns, small arms for horse and foot, and ammunition sufficient for the defence of H.M. good subjects there inhabiting, and that a prudent gentleman, well skilled in military affairs, be speedily sent from hence, with H.M. Commission to be Lieut.-Governor of the Massachusetts Bay, in the room of Mr. Stoughton, and another good soldier to be Lieut.-Governor of New Hampshire in the room of Mr. Partridge, with a yearly allowance of a good salary, which will encourage the desponding inhabitants chearfully to provide all necessaryes for their country's security, especially when they see H.M. is pleased to take such effectual care for their preservation. *Signed*, Ed. Randolph. *Endorsed*, Recd. March 5, 170 $\frac{1}{2}$. 9 $\frac{1}{2}$ pp. [*Board of Trade*. Plantations General, 5. No. 87; and 35. pp. 384-398.]

- [?March 5]. 209. Notes [*by the Council of Trade and Plantations*] upon Mr. Hodge's Memorial, Feb. 28. (a) If former Governors have been disobedient to orders, they have been punished for it. We hope the present Governor will observe the orders that shall be sent him. (b) The making presents to Governors by General Assemblies has been long practised in the Plantations; and the consequences thereof were under consideration of this Board in order to proper remedies before any application made by Mr. Hodges. (c) It is impossible but merchants and Planters, who have great dealings, must be indebted to some, as they have debts due unto them from others. But we take the utmost care we can, in naming Counsellors, that they be persons of good estates. When it happens otherwise, they may be prosecuted by their creditors, and ought not to be exempted except when the General Assembly is sitting. (d) The truth of this allegation, that the most necessitous and litigious persons are made Counsellors, does not appear to us. (e) He should show how the procuring Mandamus's in England to be made Counsellors in Barbados dos cost more than ordinary fees. (f) The thing here complained of is the proper constitution of the Plantations. And we are of opinion that honest merchants and planters will

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determine controversies there better than Lawyers. (g) We cannot alter what we have represented, and shall take care to execute what H.M. has ordered upon our Representation. (h) The opinion given by this board, Feb. 6, is all that was proper for this Board to do. (i) He may do well to give the President he there mentions. (k) The method of this Board is that the persons concerned to make proof of any matter do bring affidavits thereof in writing made before a Master in Chancery. *In Mr. Popple's handwriting.* 2 pp. [C.O. 28, 4. No. 82; and 29, 7. pp. 286-288.]

March 5. **210.** Minutes of Council of New York. The Council met at Fort William Henry within one hour after the death (6 a.m.) of H.E. Richard Earl of Bellomont. H.E. Commission was read, and in the absence of the Lieut. Governor and other members of the Council, those present issued a Proclamation declaring the death of H.E. and confirming all officers, civil and military, in their respective authorities and commissions, until H.M. pleasure be known. Expresses were sent to summon absent Councillors. Col. Abraham Depeyster was appointed to act as President. The Secretary delivered at the Board the seal of the Province, which was by the Gentlemen of the Council put again into his custody.

Resolved that all the Gentlemen of H.M. Council do in a body wait upon the Countess of Bellomont to condole with her the unspeakable loss to her Ladyship and this whole Province. Ordered that Col. Abraham Depeyster and Thomas Weaver do request the favour of the Countess of Bellomont to permit them together with whom else her Ladyship shall appoint to inspect the late Governor's papers, and that she be entreated to deliver such papers unto them as relate to the Government, to be by them delivered to the Council, giving her a receipt.

Letters ordered to be sent to the Governors of the Massachusetts Bay and New Hampshire and the rest of the neighbouring Governments, giving notice of H.E. death.

Resolved that care be taken by this Board for the management of the interment of H.E., according to such command as they shall receive from his Countess.

March 6. There being no public moneys in the Receiver General's hands, nor is there any for the soldiers' subsistence, without which the forces at Albany are likely to be in so desperate a condition as either to be starved or to desert, letters were ordered to Mr. Hendrick Hansen and Peter van Brugh desiring them for the present to advance moneys or provisions or credit for provisions for their subsistence until moneys can be sent up, and that the Excise of Liquors of Albany and Ulster counties be paid to them upon the said account, and that the overplus of what is advanced by them shall speedily be sent to them in money. [C.O. 5, 1184. pp. 448-452.]

March 5. **211.** Minutes of Council in Assembly of the Massachusetts Bay. Parties relating to Thomas Coram's Bill heard. Resolved that Petitioner be enabled by a special Act of this Court to have

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his appeals from the judgments of the Inferior Court of Common Pleas of Bristol County to the next Superior Court to be holden within the County in the several causes in his petition mentioned, he giving sufficient security to prosecute the same, etc. The several executions granted on the said judgments to be vacated, and all the proceedings had thereon, and all the goods and estate levied by them to be restored to the Petitioner. This resolve sent down to the Representatives for their concurrence.

Bill for surveying lands read a second time and committed.

Richard Bryar, Agent for the town of Kittery, appeared in opposition to the petition of Barwick, the upper precinct of the said town, to be made a distinct township. Consideration of the matter referred to next Session of Assembly.

March 6. Bill for surveying lands, amended, passed and sent down.

The differences of Watertown, relating to the support of the Ministry, referred to a Committee.

March 7. Joint Committee appointed for examining claims to lands eastward of Wells.

Bill to enable John Burnaby and Thomas Coram to prosecute appeals read twice, passed and sent down.

Upon the report of the Committee and with the concurrence of the Representatives, several resolutions were passed with a view to settling the difference relating to the support of the Ministry in the Middle and Easterly parts of Watertown.

Joint Committee proposed for considering the Earl of Limerick's petition. [*C.O.* 5, 788. *pp.* 237-241.]

March 6.
New York.

212. Council of New York to Mr. Secretary Vernon. Yesterday morning at six a clock H.E. the Earl of Bellomont departed this life, and the Lieut. Governor, Capt. Nanfan, being absent at Barbados, the administration of the Government is by H.M. Commission fallen upon us who are of H.M. Council, and altho' wee are under the greatest consternation by this great blow, yet we would not omit giving you some account of the public affairs of the Province. Wee are left in a most deplorable condition, for there are no moneys in the Public Treasure, nor any money of the subsistence for the forces in pay, the Earl of Bellomont not having left sufficient even for the support of his family, and discharging his funerall without private credit, having expended considerable sums for a ship and ship timber sent already home to the Lords of the Admiralty, and severall hundreds of pounds for the undertaking of masts for H.M. Navy, and all this from his private purse, and by several summs of the public money which he borrowed, otherwise could not have given that specimen of his great design of saving to the Nation of England many thousands of pounds per annum in the prices of ship timber and masts, a full account of which we are assured he hath already given to you, etc. This is our greatest difficulty, which we shall use our best indeavours to overcome untill the Assembly meets, which will be a month hence. Wee therefore humbly pray your favour that Mr. Champante, Agent for this Province, and Agent for the Forces here in pay, may be obliged to return with all speed what moneys of the subsistence

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is received by him from this day, for we cannot draw bills on him, lest being only Attorney to the Earl of Bellomont he might not accept them. But we humbly desire he may be continued by the Lords of the Treasury, having assurance of his trust and fidelity. Wee are but four of us in Town, the other three of the Council are seventy and 150 miles distant, to whom we have sent express to come up and joyn with us, and assist in the Government. We have made severall Minutes of Council and published a Proclamation to confirm all officers, Civil and Military, in their respective offices and commissions, and us'd our best indeavours to support the forces at Albany. Your Honour may assure H.M. that we shall do our utmost indeavours to keep the Province in peace, and what may be most for H.M. service, and humbly hope that whosoever H.M. shall please to send to be our chief Governor may have the same honorable principles and zeal for H.M. interest and good of the inhabitants with the late Earl of Bellomont, whose [loss] we can never enough bewail. Otherwise those great designs the noble Earl so successfully hath began to unite H.M. subjects to supply the Navy of England with masts and ship's timber, pitch and tarr, and peopling the Province, with several others will entirely fall. We have not opportunity to write now fully, nor time to write to their Lordships of the Council of Trade, for that the ship is gone, and we send this by a boat after her, but humbly pray they may be acquainted with the contents hereof, etc. etc. *Signed, A. D. Peyster, S. Staats, R. Walters, T. Weaver. Copy. 2½ pp. Enclosed,*

212. i. Copy of Minute of Council of New York, March 5, 1700 (1701). 2½ pp.

212. ii. Proclamation by the Council of New York, Fort William Henry, March 5, 1700 (1701), upon the death of Lord Bellomont, confirming all officers, civil and military, in their commissions. *Signed, R. Walters, T. Weaver, A. D. Peyster, S. Staats. Copy. 1½ pp.*

212. iii. Copy of Minute of Council of New York, March 6, 1700 (1701). 1 p.

212. iv. Council of New York to Hendrick Hansen and Peter van Brugh. New York, March 6, 1700 (1701). The Earl of Bellomont departed this life yesterday morning. We are by our great greif and loss in that confusion that we could not send up this conveyance any moneys for the subsistence of the Companys at Albany. We design to send money very speedily and desire in the meanwhile you will take care to advance monys for their subsistence, and we have made an order of Council that the Excise of Albany and Ulster County shall be paid to you to discharge as far as it can what you advance, and that the overplus be sent in money to you, with constant supplies of mony for subsistence for the future. *Signed, R. Walters, T. Weaver, A. D. Peyster, S. Staats. 1 p.*

212. v. Council of New York to the neighbouring Governors, announcing the death of Lord Bellomont and that the

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Council had assumed administration of the Province.
New York, March 5, 1700 (1701). *Signed as preceding.*
1 p. *Copy.* [C.O. 5, 1046. Nos. 5, 5.i.-v.]

March 6. **213.** Solicitor General to the Council of Trade and Plantations. I have perused the Act of Jamaica for intailing a parcel of land upon Edmond Edlyne and his heirs, and am of opinion, in case the suggestions in the said Act are true, it is reasonable, especially if it passed there by consent of the parties, as I am informed it was, and am the more induced to believe because noe person doth appear to oppose its being confirmed. *Signed, Jo. Hawles. Endorsed, Recd. April 11, Read Aug. 14, 1701.* $\frac{3}{4}$ p. [C.O. 137, 5. No. 46; and 138, 10. p. 276.]

March 6. **214.** Order of King in Council, approving preceding. *Signed,*
Kensington. John Povey. *Endorsed, Recd. Read March 13, 170 $\frac{1}{2}$.* $\frac{1}{2}$ p.
[*Board of Trade. Plantations General, 5. No. 88; and 35.*
p. 399.]

March 6. **215.** Council of Trade and Plantations to the King. *Refers*
Whitehall. *to Representation of Dec. 14, 1699, and proposes that Commissions*
be granted to Mr. Atwood to act as Judge of the Admiralty and
Mr. Broughton as Advocate General within the Colonies of the
Massachusetts Bay, New Hampshire, Rhode Island, Connecticut
and the Jerseys, as well as in the Province of New York. Signed,
Lexinton, Ph. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney,
Mat. Prior. [C.O. 5, 1118. pp. 214, 215; and (rough draft) 5,
1079. No. 67.]

March 6. **216.** Order of King in Council, approving preceding
Kensington. *Representation and ordering the Admiralty to prepare Com-*
missions accordingly. Signed, John Povey. Endorsed, Recd.
Read March 12, 170 $\frac{1}{2}$. 1 p. [C.O. 5, 1046. No. 6; and 5, 1118.
pp. 216, 217.]

March 6. **217.** Memorandum of preceding. $\frac{1}{4}$ p. [C.O. 5, 1260. No. 98.]

March 6. **218.** Memorandum of same. $\frac{1}{4}$ p. [C.O. 5, 862. No. 40.]

^{6^m} (mar.) **219.** William Penn to the Council of Trade and Plantations.
Philadelphia. *Honorable Friends, It was but last night I received yours, dated*
Aug. 23, 1700, and must needs be pleased that you are so at
anything I have done. I never pretended to answer for my
skill or abilitys, but I am a little confident of my good intentions
and integrity, as I would ever be of your best constructions. I can
assure you upon a nice enquiry that our improv'd condition has
not been owing to Pyrats, and not a great deal, if any, to unlawful
trade. For tho' some of the first might empty their pockets
at our taverns or ordinarys, their reputed treasure upon a just
computation is not the thousandth part of ye improvement of
this Province, and with mony they brought in from first to last,
you have it to make up the returns due to England upon trade,

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insomuch that the whole Continent labours under the want of money to circulate trade in the respective Governments ; which has put Boston herself upon thinking of tickets to supply ye want of coyn ; and New York as well as this Province are following.

For indirect trade, I cannot, upon my best observation, finde our people much blamable. Here has been, and, I fear still is, some few that visit Curassao under pretence of fetching money for provisions, who are watcht wt we are able ; but 150 miles with never a waiter, yet perhaps Collectors enough (who inhabit towns, while ye unplanted places for want of waiters are ye Sanctuary of foul traders) is but a moderate security for trade ; of which I think to be particular to the Commissioners of ye Customs. I have appointed a Committee to meet weekly of ye ablest persons in this town, for trade and estates, to consider of means of making beneficial returns, that we may, as little as possible, lessen our commerce for the growth of England, else they must endeavour, of meer necessity, a self subsistence as to the things, which as yet they want from our Mother-Country. There is nothing else offers, which the present opertunity will allow me to write, the gentleman that brought yours, late last night from Maryland, returning to-morrow early, his ship being ready to sail, before his leaveing her. The Laws goe with the first vessel that sailes from this Province. Tho' I am sensible in some measure of your station, and the nature of your Borde, yet I hope you will in your privat capacity, recommend to your acquaintance of the Houses of Parliament the reasonableness of the Registry we crave, and its plain service to trade ; since its want manifestly hinders building of ships and such men to goe to sea, for whose integrity in trade we could be answerable for ; as it is, either other Provinces cutt us out of the just advantage we should make by carrying our goods to market and fetching the produce of other Colonies, or we must trust very ordinary persons or quitt trade, any of them being a prejudice that those of our perswasion at home are freed from, and we, with submission, labour under in our own country. We pray not a Law, but a clause in the first that regards trade, more easily obtained than an Act on purpose. *Signed*, Wm. Penn. *Endorsed*, Reed. Read May 5, 1701. *Holograph*. 5 pp. [C.O. 5, 1260. No. 99 ; and 5, 1289. pp. 49-53.]

March 6.
Whitehall.

220. Council of Trade and Plantations to Mr. Secretary Hedges. In answer to your letter of Feb. 25, we send you our report. *Signed*, Lexinton, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abraham Hill, Matthew Prior. *Annexed*,

220. i. Council of Trade and Plantations to the King. We humbly report upon the petition of the Agents of Barbados etc. for the applying the duty of the $4\frac{1}{2}$ per cent. in Barbados to the publick uses therein mentioned, that in Sept., 1663, an Act of the Assembly was passed in that Island for raising a duty of $4\frac{1}{2}$ per cent. upon all dead commodities exported from thence, in consideration of the acknowledgment of 40l. per head and all other duteys, rents and arrears of rents,

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due to the Proprietor and for quieting of the possessions and settling the tenures of the inhabitants, and for a full confirmation of their estates and tenures and for holding their several Plantations to them and their heirs for ever, in free and common soccage, and in consideration also of the great charges necessary for maintaining the honour and dignity of his Majesty's authority there, the public meetings of the Sessions, the often attendance of the Council, the reparation of the Forts, the building of a Session House and a Prison, and all other public charges incumbent on the Government, which duty or impost was granted to King Charles II, his heirs and successors for ever; and has been from that time let to farm or managed by the Commissioners of the Customs here, under the direction of the Treasury, as it is at present. By an Act of Parliament made in the 9th and 10th years of your Majesty's reign, there was set apart for the service of your Majesty's Household and Family and other uses, several Dutys and Revenues arising in England, and the Duty of $4\frac{1}{2}$ per cent. in specie arising in Barbados and the Leeward Islands. And we do further humbly offer that the inhabitants of Barbados have expressed great zeal and been at considerable expense in your Majesty's service during the late war, and that the island is in such a condition with respect to the present conjuncture as may deserve a particular regard, as well in reference to the repairs and improvement of the Fortifications, as the security of that important island by ships of war to be sent thither, as we have already humbly represented to your Majesty upon other occasions. *Signed as preceding.* [C.O. 29, 7. pp. 288-291.]

March 6. **221.** Minutes of Council of the Massachusetts Bay. Duncan Campbell appointed Sheriff for county of Suffolk and Nathaniel Warren for Plymouth county.

Ships from Barbados were forbidden to come up into the harbour, upon information that small-pox is very prevalent in that island.

John Hubbard paid for broken guns for ballast for H.M. ship the *Province* galley. [C.O. 5, 788. pp. 35, 36.]

March 6. **222.** Journal of Council of Trade and Plantations. Letter from Mr. Secretary Hedges, Feb. 25, read, and a report on the matter referred to drawn, signed and transmitted with a letter to him.

Mr. Attwood and Mr. Broughton, attending as desired, delivered copies of their warrants and instructions. Being asked what authorities they had received from the Admiralty in relation to their acting, the first as Judge of the Admiralty and the other as Advocate General in the Admiralty Courts of the neighbouring

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Provinces, they declared that upon their application to the Lords of the Admiralty in June, their Lordships had declined to do anything. Representation thereupon drawn and signed.

March 7.

Secretary ordered to give notice to Mr. Attwood and Mr. Broughton that H.M. has been pleased to give order about their Admiralty Commissions, that they may solicit the dispatch thereof.

Letter from Mr. Secretary Vernon, March 1, read. Secretary thereupon ordered to acquaint Mr. Burchet (March 2).

Letter to Governor Grey signed.

Draught of a letter, for H.M. signature, to Mr. Grey agreed upon, and Representation ordered to be prepared.

Lord Bellomont's letter, Nov. 28, further considered.

Extract ordered to be sent to Mr. Lownds, with the opinion of the Board upon Mr. Weaver's account. [*Board of Trade. Journal, 13. pp. 390-395; and 98. Nos. 44, 45.*]

March 7.
Whitehall.

223. William Popple to William Lowndes. The Council of Trade and Plantations desire you to lay the inclosed extract of Lord Bellomont's letter, Nov. 28 last, before the Lords Commissioners of the Treasury, and thereupon to acquaint their Lordships that it is the opinion of this Board that the Article in Mr. Weaver's account, which relates to his salary as Collector of the Province of New York, during the time that he stayed in England, ought not to be allowed; the rather because not only Lord Bellomont, but my Lords of this Commission did also frequently admonish him to repair thither; and an example of such an allowance would be an encouragement to neglects of that kind, not only there but in the rest of the Plantations. And whereas it appears he has taken up money here and drawn Bills upon the presumption of having that salary allowed him for the time of his absence, their Lordships offer their opinion that the profits of his place may be suspended till the King or Lord Bellomont be thereby reimbursed. [*C.O. 5, 1118. pp. 216, 217.*]

March 7.
Whitehall.

224. Council of Trade and Plantations to Governor Grey. The letters received from you, unto which we have not yet answered, are dated Sept. 26, Oct. 29 and Nov. 12 last. In perusing the Minutes of Assembly (received with the letter of Oct. 29), we find some proceedings upon the orders that had been sent you relating to Sta. Lucia, but not a word of that matter in your letters. That sort of correspondence is very different from what we have with the Governors of all H.M. other Plantations, who not only send us the copys of their Journals and other such publick papers, but add their own sense and opinion upon all transactions of moment in their respective Governments. We therefore desire you to observe the same, and not to satisfy yourself by referring us in such short letters as many of your's have been, to the Minutes of Council in matters which require your own more particular care. By this neglect of writing, and your delay even to send the foresaid Journal, it has happen'd that the Marquis D'Amblemont, having without delay transmitted to the Court of France a copy of your letter to him about that matter, the French

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Ambassador did complain of it, and that letter, with his memorial upon it was referred to our consideration some time before we received any advice from you, which is an inconvenience that might have been prevented by a more punctual correspondence.

As to your design of putting Colonel Maxwell into the Council of Barbadoes, in place of Mr. Walter, we expect that what we have already writ to you against your supplying vacancies in Council, when the number of Councillors is not less than seven, will have changed your conduct in those matters ; so that we may not be obliged to represent the irregularities thereof to H.M., which otherwise we cannot avoid. The proposal that you mention for building a mold deserves to be encouraged, and we shall be glad to hear of the success thereof.

As for Councillors, the Lords of the Treasury, upon a presentment of the Commissioners of the Customs, appointed Mr. Samuel Cox to be one of the Commissioners of the Duty of $4\frac{1}{2}$ per cent. in Barbadoes ; their Lordships did also thereupon move H.M. that the said Mr. Cox might be sworn and admitted in the Council there, which has accordingly been ordered : And we have only to say thereupon that you will doe well to send us frequently (at least upon every alteration or that you think fit to propose) new lists of the Councillours residing there, and of persons fit to supply vacancies, with the particular characters of each, that we may have always a compleat list of that kinde before us. We have lately had under our consideration some Acts of the General Assembly of Barbadoes and amongst the rest an *Act for the better securing the liberty of H.M. subjects there and preventing long imprisonments*, but have not yet made any report. However, upon this occasion, we think fit to caution you that you be very circumspect in passing Acts of that nature, and that you let no consideration influence you to pass any that may not be for H.M. service and the interest of England, wherein upon reflection you will find that you are guided by your Instructions. *Refer to commissions for trying pirates.* H.M. having directed us to require from the Governors of each Plantation a perfect account of the state of defence of their respective Governments, you are to transmit the same to us in the most particular manner with all expedition ; reporting what you conceive to be further wanting or fit to be done for the security of the Island, and to transmit the like account to us regularly from year to year. *Directions for sending public, as well as private Acts under separate seals, and in such a form that they may be bound up in volumes ;* also for entering a memorandum in the Council Books relating to the passing of Acts by the President and Council when the Government devolves upon them (*Cf. Nos. 146, etc., and Cal. 1700, p. 643, etc.*) *Signed, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney. [C.O. 29, 7. pp. 292-297.]*

March 7. 225. Minutes of Council in Assembly of New Hampshire.
 Portsmouth. Petition of John Partridge, for an increase in the fare of passengers on his ferry, read, approved and sent down to the Representatives.

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Selectmen of Dover appeared upon the petition of Gabriell Hammliton and, requesting more time, were referred to next General Assembly.

Sir Henry Ashurst's letter, April 24, 1700, read and sent down.

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Report of the Committee of Laws read and sent down.

A vote sent up by the Representatives for raising 300*l.* for paying the Province debts, due May 17, was read three times and a Bill ordered to be drawn accordingly.

The ferry-charges of John Partridge were fixed in accordance with a report of the Representatives.

The Representatives voted 50*l.* for Sir Henry Ashurst for his service as Agent.

Petition of Jonathan Wadleigh and Nicholas Gordan read ; ordered that the Constables and Selectmen, who served in 1697, appear next session and bring the original rate in question.

60*l.* paid to Charles Story for his service as Secretary.

Treasurer's account passed and paid.

Revenue Bill was read three times, passed and consented to by H.E.

The Lieut.-Governor adjourned the Assembly till April 29. [C.O. 5, 789. pp. 1-7.]

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New York.

226. Col. Bayard to Sir Philip Meadows. *Announces Lord Bellomont's death.* The breaches and divisions within this Province are still continuing very hott, since it has been the Earl's pleasure to use no steps to quench the same. For till the day of his death most of the meanest and those of Dutch extractions have been put in all the offices and places of trust and power, by which meanes most of the principall and peaceable inhabitants, and especially those of the English Nation have bene oppress. I dare not trouble your Honour with the particulars, for it would require a vollum, yett cannot but remind you of the fears I had [*two years past*], because a packt Assembly had been forced upon the Province by all the unfair contrivances imaginable, nothing could be expected from them but trouble, vexation and ruin for those that were markt out by them for destruction ; and that severall extravagant Acts would be past to raise vast summs of money to pay the debts of Leisler's usurpation and disorders. Whereupon your Honour was favourably pleased to give me that comfort and hopes, tho' any such Acts were past, they should not soo easily meet with the Royal Assent. But soo it is, that since that time a most false and most malicious Remonstrance has been framed and presented by them to the late Earl, in which they prayed amongst other strange matters for an allowance of 2,700*l.* to the family of Leisler, etc., tho' not a farthing was due to him. He being a brooken marchant, when he began the disorders, and now his family is crept into a very considerable estate. Yet by the intercession at home that has been made thereupon, those false-hoods have met with such success that now at the verry instant of the Earl's decease, a Committee of that Assembly was sitting, who call'd in by Proclamation all those meane people that had served in said disorders, to bring their claimes and losses

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in, which is done at extravagant rates (as to an old gun and sword, seized of them by Governor Slaughter in their very act of rebellion against H.M. Comission after publication within this Province, passes in vullue the summe of 40*l.*, etc.), in order to pass an Act at the next Session of Assembly to pay the same; and on the contrary those that have been rob'd, plundered and most barbarously opprest by them, because they have been instrumentall in supporting H.M. Government against those disorders, and had advanced their estates and hazarded their lives in the late warr against the Frensh, must not only sitt doune by their losses, but be scandalized with vile and false names of being Jacobites, etc. I must therefore pray your Honour's goodness to afford your favourable assistance and advice, as occasion shall offer, in opposing of those their extravagancies, if so be they presume to pursue the same, and particularly that the vacancy in the Government may be supplied by a worthy person of honour, probaty and justice, by whose sedate and peaceable temper and disposition our breaches and divisions may be healed. I further make bold to inclose a list of the present Council, and of some names of the principal Free-holders and inhabitants, who in my humble opinion and with due submission may prove to be most fitting to serve in that trust. *Signed*, N. Bayard. *Endorsed*, Communicated to ye Board by Sir Ph. Meadows. *Reed.* Read June 5, 1701. *Addressed.* 1½ pp. *Enclosed*.

226. i. List of the present Council; Col. Wm. Smith, Col. Peter Schuyler. These have been of the Council many years past; all the rest were suspended at the Earl's first coming. Col. Smith, being Chief Judge, was also suspended of that office about three weeks before the Earl's death, and Col. D'Peyster, a merchant, commissioned in his room. Col. Smith, Col. Schuyler and Mr. Livingston, being no Leislerians, were likewise to be suspended from the Council that night the Earl dyed, but obstructed by his sudden departure. Col. A. D'Peyster was one of Leisler's Cpts., Sam. Staats, one of Leisler's Council, Robert Waters, Leisler's son-in-law, Robert Livingstone, Tho. Weaver. These were appointed Counsellors by the Earl.

Names of some principall Free-holders and inhabitants fit to supply vacancies;—These following reside in New York. Capt. Tho. Wenham, merchant, James Emot, gent., Capt. Tho. Codrinton, gent., Mathew Clarkson, Secretary of ye Province, Col. Charles Lodwick, marcht. is like to depart, Adolfe Philips, marcht., Richard Willet, marcht., Capt. Jacobus Cortlant, marcht., Capt. Jno. Morris, marcht., Capt. Jno. Kip, marcht., Robert Lurting, marcht., Capt. Brant Schuyler, marcht., Mathew Ling, marcht., Jno. Barbarr, marcht., Capt. W. Morris, marcht., Stephen D'Lancey, marcht., Tho. Burrows marcht., Jno. Shallwell, marcht. The following reside in Westchester County, Col. Caleb Heathcote; in Suffolk county, Major Matthew Howell; in King's

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County, Josep(h) Hegman; in Albany County, Jno. Abell, marcht.; Capt. Kilian Renselaer; in Queen's County, Capt. Dan Whitehead; in Ulster County, Col. Henry Beekman. 1 p. [C.O. 5, 1046. Nos. 7, 7.i.; and 5, 1118. pp. 287-291.]

March 8. **227.** Mr. Burchett to Mr. Popple. I have communicated
Admiralty to my Lords of the Admiralty your letter of yesterday's date
Office. (March 2) and my Lords have given orders to the Commissioners
for Victalling to provide and send to Newfoundland 12 months' provisions for the Captain and forty men. And their Lordships intending them to be carryed in the *Assistance*, now in ye Downs, and ordered provisions on board her for their passage, I desire you will lett mee know where they are to embarque and by what time you judge they may be ready. *Signed*, J. Burchett. *Endorsed*, Recd. 8, Read March 11, 170^o. 1 p. [C.O. 194, 2. No. 28; and 195, 2. p. 414.]

March 9. **228.** Minutes of Council of Virginia. Briefs issued for the
At Mr. Auditor relief of the French Refugees, Dec. 23 last, ordered to be returned
Byrd's. to the Hon. Wm. Byrd and Benj. Harrison, who are to distribute the subscriptions for their benefit.

Several French Protestant Refugees having recently arrived in York River in ye *Nassau*, concerning whom H.E. hath received no particular intelligence or commands from H.M., and they making no application to ye Government on their own behalf, H.E. and Council commiserating their poor and low condition and willing, as much as in them lies, to find meanes for their present support, order that see many of them as are willing to go and inhabit at ye Manakin Town, shall receive relief from the contributions made for the support of the inhabitants thereof, and that such as are not willing to go thither be licensed to disperse themselves among the inhabitants of this country to provide for their necessary support until further order shall be therein taken. Copy of the last brief ordered to be sent and published amongst them.

H.M. letter of Dec. 30, 1700, and Mr. Popple's letter, August 21, read.

Copies of the latter ordered to be sent to the Naval Officers and Collectors.

Letter from the Council of Trade, Dec. 4, read. The matters referred to were already under the consideration of the House of Burgesses.

Ordered that Mr. Secretary draw a scheme of all officers, military and civil, in distinct columns.

Letter from the Council of Trade, Dec. 3, 1700, concerning the securing of English Merchant ships, read. Copies of the letter, together with copies of the agreement in the Algiers, ordered to be sent by way of Proclamation into each county.

Capt. Passenger's letter, Dec. 30, and H.E. reply, Dec. 31, were read. Ordered that a Proclamation be prepared to reinforce a former proclamation for putting the penal laws in execution.

H.E. laid before the Council a letter from Capt. Passenger, March 5, 1700, wherein he intimates that the sloop attending

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on H.M.S. *Shoreham* returned the 4th inst. from York River, and prayed H.E. further orders concerning her and also concerning some goods left in custody of William Reglanse, a taylor in Elizabeth City County, by Mr. Mainwaring, late of the said ship, Reglanse, since Mr. Mainwaring's death, having refused to deliver them. Whereupon His Excellency and Council, being very well assured of Capt. Passenger's care for the advancing of H.M. interest, were of opinion that, if there be no other occasion, the sloop be sent to the Naval Officers on the Eastern shore, to attend H.M. service. Letter to Col. Wm. Wilson ordered, desiring him to issue out a warrant to call Reglanse to deliver Mr. Mainwaring's goods unto Capt. Passenger.

Mr. Secretary ordered to draw an abstract of the Judicial proceedings in the several Courts and manner of appeals, in answer to the Lords Justices' Order, July 18, 1700.

This Board taking into their serious consideration the safety and security of all ships lawfully tradeing to His Majesty's Plantations on this Continent, and as much as in them lies to prevent, detect and discover all pyrates and sea rovers, which may infest these coasts, His Excellency, with the advice of His Majesty's Council, hereby required all Commanders in Chief of the Militia in the counties of Elizabeth City, Norfolk, Princess Ann, Accomack and Northampton, that according to a former Order of May 9, 1700, they provide look-outs upon the coasts (*beats of these coast-guards detailed*), who upon suspicion of a pirate are immediately to give notice to the next Commission Officer of the Militia, who is forthwith to intimate the same to the Commander in Chief of the Militia in that county, who is hereby directed to take such care and give such orders as shall be necessary for the defence of his county, for pursueing and apprehending any such suspicious persons as shall come on shore, as is prescribed by the Act restraining and punishing pirates etc., and also to give immediate notice to the Commanders in Cheife of the Militia in the other counties lying on the sea-coasts. Every Commander in Chief, upon intimation given as aforesaid, is forthwith to dispatch an express to His Excellency with a particular account thereof and of what orders he hath given therein, and, if possible, to give intimation of ye same unto Capt. Passenger.

His Excellency and Council haveing not received any orders out of England concerning ye money paid for ye purchase of certaine lands formerly belonging unto Nath. Bacon, junr., and by his attainder of high treson vested in His Majesty, and whereas they find that the contingent charges of ye Government is more this year than ordinary, and ye General Assembly not proceeding upon any settlement for ye same, they think it most proper for His Majesty's service yt it be added to ye two shillings per hhd. towards the defraying the aforesaid contingent charges of ye Government. The settling of the accounts relateing to the Pirates, revisall of the Laws and other matters being given to Mr. Treasurer, and he not being here, it is thought proper to be referred. Consideration of appointing an Attorney General referred to a fuller Council.

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March 10. Lucy Doran, widdow, by petition setting forth that a servant boy belonging to her, by the turning over of a Ferry boate was unfortunately killed and the above boat by Mr. John Gaddice, one of His Majesty's Coroners for James City County, seized as deodand to His Majesty's use, and praying releasement thereof, His Excellency and Council, regarding her as an object of charity, granted her petition.

Upon petition of New Kent Court setting forth that, by reason of the paucity of Justices of Peace for that county, the usual course of Justice is in great measure impeded, ordered that John King, George Poindexter, Robert Jarret and John Chiles, gent., be added to the aforesaid Commission.

Consideration of the purchase of lands conveniently adjoining to the Governour's house referred to a fuller Council at Williams Burgh.

Lieut. Col. Wm. Randolph and Capt. Giles Webb were recommended from time to time to report to His Excellency on the condition of the French Refugees at Manakin Town, and always to exhort ye aforesaid French Refugees to live in unity, peace and concord.

Ordered that the Marquis De la Muce, M. de Sallee and M. de Joux do render unto His Excellency and Council a true and perfect state of ye affair of ye French Refugees. [C.O. 5, 1409. pp. 67-75.]

March 10. **229.** Mr. Eyles to Mr. Popple. I have forwarded your packets to the Governor of Barbados. *Signed, Fran. Eyles. Endorsed, Recd. March 10, 1701. Addressed, and stamped with penny post mark. 1 p. [C.O. 28, 4. No. 85.]*

March 10. **230.** Council of New York to the Council of Trade and Plantations. *Repeats part of substance of letter, March 6, announcing Lord Bellomont's death.* The greatest difficulty this Province now is under are the forces in pay, for whom there is no subsistence but what wee are forced to advance weekly by private credit, and on the omission of one week they would all disperse and desert the garrisons. There is an absolute necessity that, notwithstanding the Earl's death, the Assembly should meet according to their adjournment, in a month's time, and act in this particular, or the Province be in great danger to be lost to the French, if a warr should suddenly break out. Wee therefore humbly pray your favour with the Lords of the Treasury so to recommend Mr. Champante, the late Earl's Attorney for the pay of the forces here, that he may be continued in that employ, etc. We shall indeavour with the assistance of the Assembly to find credit to support and keep the forces together till Mr. Champante receive orders from the Treasury.

We have information that His Majesty hath been pleased to appoint a Cheif Judge and Attorney General for this Province with large salarys. Wee do therefore humbly offer to your Lordships that during the whole war this Colony hath been the

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frontier against the enemy and at much more charge than any other English Colony, and the constant charge of the Government doth far exceed the revenue, so that it is always behindhand, and is at present in debt some thousands of pounds, and should their salaries be paid out of the revenue here, they alone would swallow up near a fourth part of it, so that although the King's Revenue and the public affairs are very much injured for want of their assistance, yet we must humbly request your Lordships' favour so to represent the matter to His Majesty and the Treasury, that their salaries be paid out of the Treasury in England, untill the Revenue of this Province is in better capacity to support them. Wee have not yet had time to inspect Lord Bellomont's papers, and therefore can give no particular answer to what letters or orders your Lordships may have sent him, but when we are appris'd of them, wee shall give them all due observance, as wee shall pursue what other instructions your Lordships shall please to send us during the Lieut. Governor's absence, which wee hope will not be above two months. Yesterday wee received duplicates of your letters of Sept. 19 and are assured Lord Bellomont hath given you an answer above a month since. List of Enclosures "by way of Boston, because no ship is suddenly bound hence for England." *Signed*, A. D. Peyster, S. Staats, R. Walters, T. Weaver. *Endorsed*, Recd. 19, Read 25 June, 1701. *Addressed*. 3 pp. *Enclosed*.

230. i. Abstract of preceding. 1½ pp.

230. ii.-vi. Duplicates of Nos. 212, i.-v. *Endorsed*, Recd. June 19, 1701. [C. O. 5, 1046. Nos. 8, 8.i.-vi.; and (without enclosures) 5, 1118. pp. 296-300.]

March 10.
Admiralty
Office.

231. J. Burchett to Mr. Popple. It being the command of the Honorable House of Commons that I doe forthwith from my Lords of ye Admiralty lay before the House the letter from the Earl of Bellomont to yourself, as also the other from the Secretary of the Council of New England, which were some time since opened at this office, marked by me, and then returned to you, I desire you will doe me the favour to transmit the said papers to me as soon as 'tis possible. And not knowing where to send to Mr. Lock, I must entreat you to procure the letter that was delivered to you for him. *Signed*, J. Burchett. P.S.—I desire you to send mee alsoe at ye same time the Minutes of New Yorke and the list of ships entred outward and inward, June 25—Dec. 24, which accompanied Lord Bellomont's letter. *Endorsed*, Recd. 10. Read March 11, 1701. 1 p. [C. O. 5, 862. No. 41; and 5, 909. pp. 385, 386.]

March 11.
Whitehall.

232. William Popple to Josia Burchett. The letters you desired having been bound up with many other papers of different sorts, I have cut the binding and send you them enclosed, etc. [C.O. 5, 909. pp. 386, 387.]

March 11.
Whitehall.

233. William Popple to Sir Thomas Trevor, enclosing for his opinion the Act of Barbados, Nov. 5, for payment of 2,000*l.* to Governor Grey. [C.O. 29, 7. p. 298.]

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- March 11. **234.** Copy of the Act for the Service of Almighty God, etc., in Maryland, with alterations proposed to be made therein. *Endorsed*, Recd. from Mr. Bray, March 11, 1707. 59 pp. [*C. O. 5, 715. No. 28.*]

- March 11. **235.** Council of New York to Mr. Champante. We desire you to have especial care that if any person be added to the Council, it may be of those persons recommended by the Earl of Bellomont. But if no names are sent hence by him, and you are anyways advis'd with about it, you may name and endeavour to influence that Capt. William Laurence, Col. Gerardus Beekman, Capt. David Provoost and Mr. Rip van Dam, being honest men and of good estates, may be put in, and that you use your industry to prevent others being put into the Council who are not so well affected to the Government. *Signed*, A. D. Peyster, S. Staats, R. Walters, T. Weaver. *Endorsed*, Recd. Read 23 July, 1701. *Copy. 1 p.* [*C. O. 5, 1046. No. 9.*]

- March 11. **236.** Mr. Thurston to Mr. Popple. The clothing being now ready for the Company at Newfoundland, I humbly pray a letter to the Admiralty for one of the men-of-war bound for that place to receive it on board, together with the money appointed for them. *Signed*, John Thurston. *Subscribed*,

236. i. William Popple to Josiah Burchett, enclosing above and desiring him to move the Admiralty as desired. *Signed*, W. P. *The whole endorsed*, March 11, 1707. 1 p. *C.O. 194, 2. Nos. 29 (1), 29; and 195, 2. p. 415.*]

- March 11. **237.** Journal of the Council of Trade and Plantations. Letter from Mr. Burchet, March 10, read. Papers desired ordered to be sent. Letter from Mr. Burchet, March 8, read and ordered to be taken into consideration so soon as this Board shall understand what the Treasury have done towards an establishment for the soldiers that are to be sent to Newfoundland.

Whitehall.

Mr. Hodges desiring their Lordships to make some additional report upon his last Memorial, because of some new Articles in that which were not in his former papers, was told that the same had already been considered, and notice accordingly taken thereof in the draught of a letter to Col. Grey prepared for His Majesty's Royal Signature.

The Agents for Barbadoes desired their Lordships would report upon the Barbadoes Acts that lie before them, and more especially upon those which relate to the presents made him [*? the Governor*] by the General Assembly. Ordered that the Act passed there, Nov. 5 last, be sent to Mr. Attorney General for his opinion thereupon in point of law; and upon the whole, their Lordships acquainted these gentlemen that the many complaints that have been laid before His Majesty and some of them referred hither, relating to the administration of Justice in Barbadoes, do make it difficult for this Board to report that Mr. Grey should have leave to receive those presents until he have answered to the

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said complaints, or that they shal in his behalf offer some proper reasons whereby His Majesty may be moved to do it. Whereupon they said they would consider thereof. Representation wherewith to lay before His Majesty the draught of a letter for his Royal signature to Mr. Grey, relating to some of the forementioned complaints, was signed.

A copy of the Act, for the Service of Almighty God etc. in Maryland, being received this morning from Doctor Bray, with alterations proposed to be made therein, in order to the transmitting of such a Bill to Maryland as may be fit to receive His Majesty's Royal approbation, was laid before the Board, and ordered to be taken into consideration on the first opportunity.

Letter from Mr. Thurston read. Letter to Mr. Burchet thereupon ordered.

March 12. Lord Bellomont's letter, Nov. 28, further considered.

Order of Council, March 6, read.

March 13. Intimation being given that there will be no Council held this night, a letter was writ to Mr. Secretary Vernon inclosing to him the Representation with letter for His Majesty's signature relating to the Administration of Justice in Barbadoes, and sent to him.

Memorial from Mr. Thurston read. Ordered to be sent to Mr. Lowndes to be laid before the Lords Commissioners of the Treasury.

Order of the House of Commons, March 12, read. Directions given for preparing the account required.

Order of Council, March 6, read.

Letter from Mr. Burchet, March 12, read. Directions given for sending him a copy of the same enquiries for Newfoundland as were sent the last year, with a desire—(because of the negligent answer return'd the last year), that the Commodore this year may be directed to answer more carefully.

Remaining papers referred to in Lord Bellomont's letter, Nov. 28, read. [*Board of Trade. Journal, 13. pp. 395-403; and 98. Nos. 46-48.*]

March 11. **238.** Minutes of Council in Assembly of the Massachusetts Bay. Payments made to the following inhabitants of the County of Yorke, in full of their accompts of disbursements for His Majesty's service:—Joseph Storer, Jane Littlefield, Jonathan Littlefield, John Cloyes, Nathaniel Cloyes, Thomas Cole, Jonathan Hammond, Mehetable Littlefield, Joshua Downing, John Shapleigh, Jasper Poleman, James Plaisted, and Jeremiah Molton.

The following resolve was past by the Board and sent down for concurrence. For the security of this Province, that it's necessary there be forthwith procured 1,000 good fuzils and a like number of bayonets, with a proportionable quantity of flints, ball and lead, with moulds, 100 barrels of good gunpowder and a quantity of match, and that effectual provision be made by this Court for the purchasing of said stores of war.

Bill, for regulating abuses in boards, timber and staves exposed to sale, was committed.

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March 12. Above Bill, amended, was read, passed and sent down.
 Bills for the convenient and speedy assignment of dower; providing that in suits where goods or estate is attached, the Defendant be summoned; for rendring an accompt of fines; directing the admission of Town inhabitants; for the better making and measuring of malt; enabling John Burnaby; and Thomas Coram to prosecute appeals; were passed and received H.E. consent.

March 13. An order about the Government of the College was sent down to the Representatives for their concurrence.

Petition of James Russell, late Treasurer, referred, as suggested by the Representatives, to the Committee for granting Debentures to claimers of debts contracted by the publick in the time of Sir Edmund Andros, to report upon it next Session.

Petition of Benjamin Church of Bristol in behalf of Daniel Wilcox, formerly of Tiverton, now residing at Rhode Island, proposing to satisfy a fine set upon him by order of Court by sale to the Province of land in Tiverton, granted, and a Committee appointed, as proposed by the Representatives, to take care that sufficient deeds of conveyance be executed.

Petition of John Andrews, of Salem, ship-carpenter, to be enabled by a special Act to have a trial of a cause therein mentioned, sent up with the Representatives' consent, was referred to a Committee. [*C. O.* 5, 788. *pp.* 241-244.]

March 12. **239.** Minutes of Council in Assembly of Barbadoes. 500*l.* presented to H.E. for the replenishing of his cellars. 880*l.* paid to George Peers, Attorney of Capt. John Tucker, Capt. Thomas Jenour and Capt. Leonard White of St. George's in Bermuda, for the Brigantine *Mary Rose*, employed against Martinico and runaway with by the Lieut. of H.M.S. *Resolution* and some of his men. (*See Cal. A. and W. I.* 1698, No. 678*i.*)
 Petition of Tobias Frere, Nov. 5, 1700 (*q.v.*) read. 15*l.* paid to him. [*C. O.* 31, 6. *p.* 401.]

March 12. **240.** Journal of Assembly of Barbados. Only tenn members appearing, the House adjourned. [*C. O.* 31, 6. *pp.* 433, 434.]

March 12. **241.** J. Burchett to Mr. Popple. Ye Lords of the Admiralty
 Admiralty have directed Capt. John Graydon, Commander of the *Assistance*,
 Office. to receive the money to be sent to Newfoundland, and to cause the clothing to be putt on board the *Feversham*, commanded by Capt. Cavendish. Both ships are now in the Downes, and not knowing to whom the said money and cloathes are to be consigned, Capt. Graydon (who will command in chief) is ordered to dispose both of one and 'tother as shall bee desired by Mr. Thurston. The season now advancing for these ships to proceed on their voyage, I am to desire you will lett mee know what Heads of Enquirys and other particulars the Lords of the Council for Trade would please to have recommended to the Commodore. *Signed*, J. Burchett. *Endorsed*, Reed. Read March 13, 1701. *Addressed*. 1 *p.* [*C.O.* 194, 2. No. 30; and 195, 2. *p.* 416.]

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- March 13. **242.** William Popple to Mr. Burchett. *In reply to preceding.*
 Whitehall. Enclosing copy of same Heads of Enquiry as were sent to Capt. Fairborne, 1700. The Council of Trade and Plantations more particularly desire that the Commodore of the convoy be charged to be very careful in the answers that he returns to these enquiries, because they observe the answers they received the last year from Capt. Fairborne to have been made very negligently, some of them (for instance, those relating to rinding of trees, Art. 2, and to trade with New England ships, Arts. 21, 22) being plainly contradictory to what he writ himself in the letter wherein he transmitted them. [*C.O.* 195, 2. p. 417.]

- March 12. **243.** Order of the House of Commons that the Council of Trade and Plantations lay before the House an account of their proceedings for improvement of Trade since March 21, 1699. *Signed*, Paul Jodrell, Cl. Dom. Com. [*Board of Trade.* Trade Papers, 15. p. 166.]

- March 13. **244.** Memorandum of preceding. $\frac{1}{4}$ p. [*Board of Trade.* Plantations General, 5. No. 89.]

- March 13. **245.** John Thurston to the Council of Trade and Plantations. The Convoy is just upon its departure for Newfoundland, but the Lords of the Treasury not having as yet issued any money for the cloathing for the Company there, the tradesmen concerned refuse to deliver out the same. The Agent prays their Lordships to represent the same to the Treasury. *Subscribed*,

245. i. Mr. Popple to Wm. Lowndes, desiring him to lay the matter before the Lords of the Treasury as above. *Signed*, Wm. Popple. *The whole endorsed*, March 13, 170 $\frac{1}{2}$. [*C.O.* 194, 2. Nos. 31 (1), 31 (2); and 195, 2. pp. 418, 419.]

- March 13. **246.** Council of Trade and Plantations to Mr. Secretary Vernon, enclosing the following Representation. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. *Annexed*,

246. i. Council of Trade and Plantations to the King. March 11, 170 $\frac{1}{2}$. In obedience to your Majesty's Order in Council of the 13th of the last month, we herewith humbly lay before your Majesty the draught of a letter for your Majesty's Royal Signature to Col. Grey, Governor of Barbados, relating to several petitions and complaints that had been laid before your Majesty of great delays and undue proceedings in the Courts of Justice in that Island. *Signed*, Stamford, Lexinton, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. *Annexed*,

246. ii. Draught of letter from H.M. the King to Governor Grey. *Enumerates* "the delays and undue proceedings" in the Courts of Justice complained of in the petitions of John Loder, Isaac Hawkins and Thomas Hodges,

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"All which delays and undue proceedings do tend to the very great prejudice of the petitioners and other suitors, and it being highly necessary that all irregularities of this nature, which are so grievous to our subjects, be reformed, and that the grounds of all such complaints being thoroughly enquired into, effectual care be taken that they be for the future entirely removed, we have directed our Commissioners for Trade to transmit you copies of the said petitions, etc. for your answers, not only to the particular cases of the petitioners, but also to the more general complaints. And we do further hereby will and require you to take especial care that no person interested in the suits depending in any of the Courts be appointed or permitted to sit as Judges in the causes wherein they are concerned; *that justice be everywhere duly and speedily administered*; that the complainants have such redress as is agreeable to Law; and *that you do yourself constantly hold Courts of Chancery* until all the causes there be determined. We do likewise hereby declare our Royal Will and Pleasure that no Members of our Council in that Island be exempted from any prosecution in Law or Equity for the payment of their just debts, except only during the time that the General Assembly shall be sitting, which you are accordingly to declare unto them. This letter to be entered in the Council Books." Kensington. March 16, 1701. *Countersigned*, James Vernon. [C.O. 29, 7. pp. 299-303.]

March 13. **247.** Minutes of Council of the Massachusetts Bay. H.E. the Lieut.-Governor nominated Mr. Joseph Belcher, Minister of Dedham, to preach a sermon to the General Assembly at their convening on the last Wednesday in May. [C.O. 5, 788. p. 36.]

March 13. **248.** Minutes of Council of New York. Resolved that the execution of the late Earl's Commission is at present by the said Commission in H.M. Council exclusive of any single member; and that the eldest Councillor resident in this Province may and ought to act as President in the Council with the powers and preheminences (*sic*) therein belonging, but that all Acts of Administration be signed, acted and done by the greater part of H.M. Council met in Council, and the Government be administered in the name of H.M. Council.

Col. Smith, eldest Councillor presiding, declared his opinion that he ought to act as President, and as such he onely hath power to call the Council as he thinks fit, and that without him the Council cannot sit and act as a Government, whereby the Administration would be in him solely, contrary to the express words of H.M. Commission, it is therefore unanimously resolved that whenever the greater part of the Council do agree it is for H.M. service that the Council should meet and act, that they will meet to act accordingly, giving notice to Col. Smith to meet with them and to

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preside in the said Council, which, if he refuses to do, they will proceed without him in the administration of the Government and the preservation of the peace of the Province. Col. Wm. Smith acquainted the rest of the Board that he was confirmed in his opinion that the clause in H.E.'s Letters Patents, whereby, on the death of the Governor and Lieut.-Governor, the administration of the Government does devolve upon H.M. Council, that the first of the Councillors do preside in the said Council with such powers and preeminences as any former President hath used and enjoyed within this Province, etc., do entitle and empower him to act as President of H.M. Council, by the letter of the Council of Trade and Plantations, Oct. 30, 1700. The Council held that H.M. Letters Patents gave no power to the President to act in the administration of Government or to execute any part of the Earl of Bellomont's Commission any more than any other gentleman of H.M. Council, and that thereby he hath onely power to preside during the sitting of the said Council. They were of opinion that according to the King's Commission to the Earl of Bellomont, the administration of this Government is not devolved upon a President and Council, but entirely on the present Council, in which only the eldest Councillor can preside. Col. Smith consented to preside in the said Council accordingly and act as one of them, but with this protestation, that his concession should not prejudice the right given him by H.M. Letters Patents, if any such he have.

Ordered that Col. Romar, together with the three commanding Officers of the garrison, make an inventory of all H.M. stores within this garrison.

Ordered that the Storekeeper do immediately lay before this Board the last inventory taken thereof.

There appearing to be no money in cash for payment of the soldiers' weekly subsistence, the Gentlemen of the Council have been obliged to advance the money for their subsistence upon their own private credit, and to assure them of their being for the future duly supplied, that they may not be discouraged so as to desert the service, the Council ordered £300 sterl. to be immediately procured on the private credit of the Gentlemen of the Council, it being refused to be advanced upon the public, and that Bills be drawn for the same by the Gentlemen of the Council on the Agent for the forces, and that letters be wrote to H.M. Principal Secretary of State and the Council of Trade praying them to order the Agent to take care the said Bills be duly accepted and paid.

March 14. Ordered that the clause of the letter from the Council of Trade and Plantations, Oct. 30, 1700, be entered *verbatim* in the Council Book.

The Merchants complaining that the Naval Officer obliges them to enter into bond to return certificates for small quantities of the enumerated commodities exported from this City to other parts of this Government and the Sound, to their great charge and vexation, Ordered that the Collector of the Customs do give Bills of Store to all persons who shall desire the same for any

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quantity of sugars to be by the said persons carried to any part of this Province, to the Sound, or elsewhere within H.M. Dominion, not exceeding the wait of 1,000 lbs. gross.

Payments ordered to Anne Bowen and Mary Thomas, out of the 30 per cent., for nursing sick soldiers.

Petition of Peter Berrian, late High Sherriff of Queen's County, praying a letter from the Board to the Governor of East New Jersey to desire his friendly aid in the recapture of John de Wilde, who had escaped out of prison and fled thither, granted.

March 15.

Resolved, by a majority of votes, Col. Smith dissenting, that it is absolutely necessary for H.M. service and the publick peace that a Proclamation immediately issue, requiring the Assembly to meet on the first Wednesday in April, as prorogued by Lord Bellomont. This Proclamation Col. Smith thought he ought not to sign, unless the Council so ordered. The Council were unanimously of opinion that he was obliged to join and sign with them whatever the majority approved, whilst he thinks fitt to continue to sitt as President.

Whereas the Chief Judge is not yet arrived from England, ordered that the Supreme Court sit on April 1st, and do then proceed only in criminal matters and adjourn to the first Tuesday in October.

Petition of Edward Folwell read. Ordered that Matthew Howell be Judge of the Court of Common Pleas for the County of Suffolk, and Col. Henry Pierson his Assistant during the trial of Folwell v. Giles Sylvester, Col. Arnold, the present Judge, being, as is alleged, a party in the cause.

Receiver General ordered to pay for the candles used in the Fort.

Petition of Susanah Lawrence read. Ordered that William Lawrence be served with a copy and that he give in his reasons, if any he have, within 24 hours, why the letters of guardianship granted to him should not be revoaked.

Account of the Clerk of the Council for pens, ink, paper, wax, etc. paid.

Mr. Smith, Eldest Councillor and President, acquaints the Council that his sudden leaving his Family, on the express of the Council giving him an account of the Earl of Bellomont's death, hath putt the affairs of his family into such disorder as necessarily requires his immediate going into the country, but that he will return with all the dispatch possible. With which the Council are satisfied. [*C.O.* 5, 1184. *pp.* 452-464.]

March 14.

249. Order of the House of Commons that the Journals of the Council for New England and New York, which have been transmitted to the Commissioners of Trade and Plantations since the Government of the Earl of Bellomont there, be layd before this House. *Signed*, Paul Jodrell, Cl. Dom. Com. *Endorsed*, Recd. Read March 17, 170 $\frac{1}{2}$. $\frac{3}{4}$ p. [*C.O.* 5, 1046. No. 10; and 5, 1118. *p.* 247.]

March 14.

250. Memorandum of preceding. $\frac{1}{4}$ p. [*C.O.* 5, 862. No. 42.]

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Jamaica.

251. Governor Sir William Beeston to the Council of Trade and Plantations. I have received your letters of Oct. 14. In reply, our sugar hogsheads generally waigh 1,100 *lb.* or more, and is sold for 30*l.* *per cent.*; pieces of eight at 5*s.* here, wch with 10*s.* for the hhd., makes 17*l.* (*i.e.*, reckoning a piece of eight at 5*s.* and allowing 10*s.* for the hhd. the sugar sells for 17*l.* *per* 100 *lb.* ?), but they generallity doe waigh more, and therefore must surmount the estimate I sent, and moreover in all likelihood there will bee above 1,000 hhd. made more this year then there was the last, the country being in perfect health, and all people very sedulous in improving their estates. The Indicoe is likewise taken from a calculation of what is made in the Islands, and the prices it is sold at, wch is very considerable, for I remember before I left England, on a scrutiny from the Commissioners of Customs, it was found that $\frac{7}{10}$ ths of all the indico which came to England came from this island. As for the money, I am well assured from the merchants that 150,000*l.* is the least quantity that is yearly sent hence, most whereof arises from the sale of negroes, flower and other provisions, but not much now from any drapery or dry goods, that trade being lost to us by the great quantities supplied by the Dutch and French, who can undersell us 40 *per cent.*, and therefore have caused that trade to cease, and in all appearance the flower trade and provisions will fayle us too, if some way bee not found to hinder it, for now very much of it is carryed to Carrisoe and sold there, from whence the Spaniards are supplied with it, and the profit to the merchants and employment of our sloops and vessels lost to this island, and by consequence much mony also, which I humbly lay before your Lordships, if it bee possible to remedy, for if it had not beene for that way by wch the Spaniards would have been supplied and the trade transplanted from this island to that and the Dutch, I would before now have brought the Spaniards to have beene more civill and better-humoured to us, or have starved them by stopping all provisions to have been carryed to them.

For the dry goods imported into this island, it is impossible to make a calculation here, but may be done from the Custom House books in London and Bristoll, for they pay no duty here and therefore are not entred in any office, soe that nobody knows what the severall merchants import, but the expence of the island is very great, as may in some measure be guest in the yearly expence of 200,000 yards of ozenbriggs or canvas for clothing of the negroes, besides what is expended by the white people of all sorts for use and ornament, and of which the people are not very sparing, neither in their clothing, dyet or way of living. I humbly thinke, according to your Lordships' opinion, that the naturalisation here cannot extend to England, but if it will not reach the Plantations and Colonies, then every vessel and goods that goes hence to any of them, or comes from them to us is seizable and forfeited unless the Master be naturalised in every Government, which would be a hard case and very destructive to Trade and the support that one Colony gives another, and whilst these things remain under such doubts and disputes it is very uneasie, since

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nobody knows whither they goe right or wrong, and therefore it's greate pittty things are not more plainly understood. Since the late Act made in England, here are severall in prison, yt are accessories only, who cannot bee tryed by the Statute of Hen VIII, nor by the Common Law, but lye in prison upon a greate charge to the Countrey and a great hardship to them yt will be cleared, and this for want of such Commission as that Act appoints, weh. wee therefore much want. There has been lately a most invidious report raised of this Island in some of the Windward Islands that it was all sunk under water and destroyed by an earthquake. I cannot be certain where it began, but am told it was at Nevis, on a vessel's arrival with the beef from Ireland; the Master whereof told them if they would not give him such a price he would goe with it to Jamaica, and on that they raised this story. It's gone to all the Islands, Curasao and down along the Spanish Coast, and I doubt not but has and will hinder severall vessels designed hither with provisions and necessarys, and cause them to stop in the Caribee Islands, to our greate prejudice, and how farre it may affect us in England, before it bee contradicted, I cannot foresee. But blessed bee God, we have not been affected with any considerable shakes of a long time, but only one in two or three months, a small no trepidation weh. does no prejudice.

By the late news we have of the King of Spain's death, it seemes as if we were like to be again engaged in a war, therefore, that we may not be surprised by our neighbours the French, who lye too advantagiously against us, I have ordered all the Colls. in the Island to give strict orders to all their officers to see that their men have their arms fixt and powder and ball ready upon any occasion, and to cause them to bee the better provided, I intend in a few days, by advice of a Council of Warre, according to our Act, to put the Law Martiall a foot for some small time, weh. will effectually set them to provide themselves the best they can. And to enable us the better for our defence, I send you an acct. of what we much want for the defence of Port Royal, and to annoy the enemy if they attempt theirs, weh. I humbly pray you to represent to H.M., that soe an Order may passe to the Tower, and then Mr. Heathcote will take care to shipp them.

The Act for the additional duty on wines imported and negroes exported, expires July 17, without weh. it's apparent the necessary and contingent charges of the Island cannot be supported, therefore in hopes to raise it again, I have, by the advice of the Council concluded to issue out writs for the Assembly to meete, June 24 next, when I hope to find them in such a temper that they will continue this duty, and doe anything else may be for the service of H.M. and the good of his Island. At most I expect they will give it but for two yeares, because thereby they keep the country under a necessity of calling an Assembly soe often, tho' why they desire to give themselves such trouble and charge is unaccountable. I have discoursed severall of the Gentlemen of the Council about what your Lordships are pleased to mention relating to Mr. Brodrick's being Attorney General, to weh. they answer that for what was said that he was to pay

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100*l.* per annum during his holding that office, they cannot affirm, being only what was written from England, but for his interest in the place, and abilities or knowledge in the Laws to performe that office and what else was mentioned in the reasons, they are well satisfied of the truth thereof, and seem concerned [*convinced*, Entry Book] that since they are trusted with the honour of being Councillors, that they may not obtaine credit in giving their opinions in what may relate to the service of H.M. and the welfare of the country, espetially when officers are proposed that understand not what they are desirous to undertake, wch. must needs be very uneasie and prejudicial to the country. *Signed*, Wm. Beeston. *Endorsed*, Recd. 19, Read 20 May, 1701. *Holograph*. 3 pp. *Enclosed*,

251. i. Abstract of preceding. 1 p.

251. ii. List of Stores of War wanting for Port Royal. *Signed*, Charles Knight. 1 p. *Same endorsement*. [*C.O.* 137, 5. Nos. 34, 34 i., 35; and 57. pp. 150-158.]

March 14. **252.** Journal of Council of Trade and Plantations. Several letters and papers received lately from Lord Bellomont were laid before the Board, and some entrance made into the consideration thereof.

Letter to Mr. Secretary Vernon with the draught of a Commission for Capt. Graydon, Commodore of the Convoy bound this year to Newfoundland, was signed and sent.

Directions were given for preparing a letter to Mr. Secretary Vernon relating to the Instructions to be given the Capt. and the two Lieutenants now intended to be sent thither. [*Board of Trade*. Journal, 13. pp. 403-409; and 98. No. 49.]

March 14. **253.** Minutes of Council of Virginia. Upon the death of ye Hon. Ralph Wormley, late Secretary, Proclamation ordered and signed for continuing all such officers as held any office by Commission or Appointment under him as Secretary, until H.M. Royal will and pleasure be known. [*C.O.* 5, 1409. pp. 75, 76.]

March 14. **254.** Minutes of Council in Assembly of the Massachusetts Bay. The Order referring to the care and government of the College was returned by the Representatives with their concurrence:—*Refers to Order of May 29, 1700.* Forasmuch as the Constitution requires the President to reside at Cambridge, which is now altered by his removal from thence, ordered that Mr. Increase Mather, Mr. Samuel Willard and the other gentlemen mentioned in the former Order, are anew appointed and impowered to continue their oversight, care and government of the College and Students, during such time as is thereby limited, and in case of Mr. Mather's refusal, absence, sickness or death, that Mr. Samuel Willard nominated to be Vice-President, with ye other gentlemen before-named, be and hereby are invested with the like powers and authority aforesaid in all respects.

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An Order appointing a Committee to take care about ye repairs of the President's House in Cambridge was passed by the Board and sent down.

Petition of John Andrews referred to the next General Assembly.

Bill against counterfeit coin, sent up, was passed and received H.E.'s consent.

Orders for the provision of stores of war, and of a Commissioner to superintend them, agreed upon.

Order for providing places to store powder agreed upon.

A Committee for superintending the fortification of Castle Island appointed.

125*l.* allowed to Thomas Hinckley, late Governor of the late Colony of New Plymouth, in full satisfaction of service done by him for the Publick, he relinquishing to the Province his claim to land, formerly Tatamunnah's Land.

Committee of debts contracted in Sir E. Andros' Government instructed to pay Mr. John Riggs, ensign, Major Daniel Davison, Capt. John Wing, Capt. John Floyd, and Martha Padishall various sums in satisfaction of their claims for public service rendered. The Committee was instructed to grant debentures to all such as to their satisfaction shew forth their claims to be just and due, notwithstanding such claims were not received when the Committee made their report of claims.

March 15. Bill to encourage the sowing and well manufacturing of hemp, sent up, was read twice, and left to a further debate.

Order for repairing the President's House in Cambridge agreed to.

Resolve of the Representatives, giving directions to the Commissioners of Excise as to the collection of the duties, agreed to.

And see No. 256.

Resolve of the Representatives agreed to, that H.E. issue out his Proclamation requiring the several military officers to see that there be a strict execution of the military laws, especially that requiring that all the Militia be duly provided with good and sufficient arms and ammunition, and that the Selectmen take care that the several towns be provided with stores of war as by law required.

Col. Elisha Hutchinson was appointed Commissioner for the Stores of War.

H.E. summoned the Representatives and prorogued the Court till April 16. [*C.O.* 5, 788. *pp.* 244-250.]

March 14.
Whitehall.

255. Council of Trade and Plantations to Mr. Secretary Vernon. Capt. John Graydon, H.M.S. *Assistance*, who is appointed by the Lords of the Admiralty to be Commodore this year at Newfoundland, being now ready to sail, we desire you to procure H.M. Royal Signature to the enclosed draught of a Commission for him to Command in Chief the Soldiers in pay as has been done the former years. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Math. Prior. *Annexed*,

255. i. Draught of Commission referred to above. [*C.O.* 195, 2. *pp.* 419-421.]

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March 15. **256.** Minutes of Council of the Massachusetts Bay. Salaries paid to various officers of the Government.

Payments ordered to John Ellenwood, a wounded soldier, to Thomas Jackson of Piscataqua, for the wages of his son Thomas, decd. on the expedition against Canada, 1690, and to Lt. John Wilson for his extraordinary expenses in H.M. service, 1692. [*C.O.* 5, 788. *pp.* 36, 37.]

March 17. **257.** Memorial of John Champante to the Council of Trade and Plantations. Finding by the printed votes of the House of Commons that they intend to take into their consideration the several proceedings relating to ye Commission, late voyage and seizure of Capt. Kidd, and the Earl of Bellomont having been named, the Agent of New York thinks it his duty to appear in ye behalf of ye sd. Earl, in justification, if occasion should be, of his honr. and integrity. But having no duplicates of any papers concerning those affairs, he humbly desires liberty to have the perusal of papers relating to them in the Secretary's custody and to have such abstracts of them as may capacitate him to serve the Earl. *Signed*, J. Champante. *Endorsed*, March 17, 170^o. 1 *p.* [*C.O.* 5, 862. *No.* 43.]

March 17. **258.** Mr. Merrett to Mr. Popple. Recommending a Mr. Thomas Crotched Drewett "who hath a ship of about 140 tun and is inclin-
Fryers. able to serve in this affair" (*of carrying stores from Portland to Newfoundland for the fortifications*) "on anything of encouragement." *Signed*, Solomon Merrett. *Endorsed*, Reed. Read March 17, 170^o. *Addressed*. $\frac{3}{4}$ *p.* [*C.O.* 194, 2. *No.* 32; and 195, 2. *p.* 422.]

March 17. **259.** Ed. Randolph to the Council of Trade and Plantations. A Paper shewing the great loss H.M. Revenue sustains upon sugars, cotton-wool, indico, etc., which are carried from Barbados, Jamaica and other Carriby Islands to small Plantations near them, belonging to the Dutch. Instances given of the trade of Nevis, Antego, Providence (Bahamas), with Statia, Swabia, Curaçao, St. Thomas.

There was about a twelvemonth ago a ship from Scotland which brought to Statia a cargo of the manufactures of that Kingdome, a good part whereof was bought by Daniel Johnson, master of a vessel belonging to Bermuda, the Scotch master making his returns home in sugar, cotton, wool and other Plantation commodities. . . . All which is occasioned either by the connivance or neglect of the Governors in their not taking bonds with sufficient security to carry the same to England, Wales etc., or their not prosecuting them when forfeited. For prevention, it is proposed that all Governors give bond to H.M. with two sufficient securities in England, as the Commissioners of Customs shall approve, not less than 2,000*l.* sterl., strictly to put the Acts of Trade etc. in execution. (2) That the Governors or Naval Officers admit of none to be sureties for any master of a vessel belonging to the Plantation where he loads, or to any of H.M.

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Plantations but such as are inhabitants and men of good estates. (3) In regard masters of vessels belonging to England first go to Scotland or Ireland for servants, horses or provisions, or go in their ballast to Newfoundland to carry fish for Bilboa, etc., and being disappointed of their loading go to the Plantations to load tobacco, etc., that no Governor or Naval Officer shall upon any pretence permit such master to load any of the enumerated Plantation commodities, until he produce a Certificate from the Chief Officers of the Port in England whence she sailed, that bond was there given according to law. (4) That the Governor or Naval Officer transmit twice a year to the Commissioners of Customs in London a list of vessels lading enumerated commodities in their Governments. (5) I saw at New York a Bill of Stores for 10,000 weight of sugar granted by the Collector of Antegoa to Caleb Beck, master of a vessel belonging to New England. That no Collector grant a Bill of Stores for any of the said commodities under penalty of paying treble the value thereof. *Signed*, Ed. Randolph. *Endorsed*, Reed. Read March, 17, 170^o₁. 2^d pp. [Board of Trade. Plantations General, 5. No. 90; and 35. pp. 400-404.]

March 17. 260. Mr. Randolph's General Proposals for regulating Trade in the Plantations. (1) That no Governor or Lieut. Governor shall be an owner, or part owner, of any vessel, nor shall trade or barter by himself or by any person concerned directly or indirectly for him, under loss of his Government. (2) The Governor shall not imprison or suspend any of the officers of H.M. Customs, (except in case of felony, murder or treason proved), but shall by the first opportunity represent the case to the Commissioners of Customs, giving the officer a copy of his charge that he may have time to prepare and send his answer to the Custom House. (3) That, for the more equal distribution of justice, the Chief Justice in the respective Plantations be appointed by Commission from his Majesty. (4) That depositions taken before the Governor and certified by him shall be of equal force at the Council Board, or in any of the Courts of Westminster Hall, as if the same had been taken before a Master in Chancery in England. But where the matter in difference relates to the Governor or Lieut. Gov., the party aggrieved may apply himself to the Chief Judge, or any two of the Justices of the Peace in the said Plantations, (whereof the one to be of the Quorum) who are to be required under a penalty to take and certify the same. (5) That the fees in the Courts of Admiralty etc. be regulated, being at present so extravagantly high, that, in case judgment be entered up for his Majesty, a great part of H.M.'s and the Collector's third part of the forfeitures be not swallowed up in fees, as lately at Carolina, Bermuda and Providence. (6) That all Judges, refusing to admit the plea of the General Issue by Officers of the Customs, be grievously fined, and that no person shall be Judge in the same case in two several Courts. (7) Whereas it is the common practice of Governors to imprison H.M. subjects at their pleasure, by their own warrants, not admitting them to bail, tho' very sufficient security be

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tendered, but keep them in close custody till the next quarterly Court, where nothing appearing against them they are discharged of course, but are not at liberty until they have paid the extravagant fees to the Chief Justice, to the Court and to the gaoler, to the ruin of several of H.M. subjects, as in Bermuda, Carolina, and lately in Providence;—That the Habeas Corpus Act be in as full force to all intents and purposes in all H.M. Islands, Colonies and Plantations, as is now in England, and that the Act to punish Governors in this Kingdom etc. be revised. (8) That all Governors etc. do before their entrance upon their Governments give bond in England to H.M. not exceeding 5,000*l.* to give full satisfaction for all damages, which shall appear to be done by them, or order, to any of H.M. subjects inhabiting in their Government. *Signed*, Ed. Randolph. *Endorsed*, Recd. Read March 17, 170^o₁. 2¹/₂ pp. [*Board of Trade*. Plantations General, 5. No. 91; and 35. pp. 404–408.]

March 17. **261.** Journal of Council of Trade and Plantations. Ordered Whitehall. that the Secretary give notice to Mr. Burchet concerning Capt. Graydon's Commission.

Order of the House of Commons, March 14, read. Journals referred to ordered to be got ready.

Memorial from Mr. Champante, desiring that he may have to peruse the letters and papers that have been transmitted to this Office by the Earl of Bellomont etc., read, and leave given accordingly.

Letter from Mr. Merret to the Secretary read. Directions thereupon given for preparing an answer to the Letter of the Board of Ordnance, Feb. 8.

Mr. Randolph presented to the Board two papers upon the illegal trade and the regulation of trade.

March 18. Letter to the Board of Ordnance signed and sent.

Order of the House of Commons, March 12, considered, and some progress made towards preparing an answer.

March 19. Letter to Mr. Secretary Vernon signed and sent.

Letter to Mr. Lowndes sent.

A messenger from Sir Robt. Cotton desiring to know what has been lately done by this Board relating to Patentees in the Island of Jamaica, ordered that an extract be given him of that part of their Lordships letter to Sir Wm Beeston, Feb. 17, which relates to that subject.

Their Lordships made a further progress in preparing an answer to the order of the House of Commons, March 12. [*Board of Trade*. Journal, 13. pp. 409–414; and 98. Nos. 50–52.]

March 17. **262.** Minutes of Council of New York. Orders given for the attendance of troops at Lord Bellomont's funeral. Notice of the interment, on the 27th, to be given to the High Sheriffs.

Ordered that Dr. Anthony Rogers acquaint Saml. Staats with what medicines are now wanting for ye use of the souldiers in H.M. pay.

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Memorial of Thomas Weaver read. Ordered that Paroculus Parmyter appear and give in his answer in writing on Thursday.

Ordered that the public papers in the hands of Col. Smith be inventoried and delivered to Col. Depeyster.

Memorial of Thomas Weaver read. Ordered that the Executrix and heir of Col. Stephen van Cortlandt be summoned to appear on Thursday.

Petition of Dyrk Jansen Hooglandt read, and referred to John Coe and Content Titus for their report thereupon.

March 18. Petition of William Creed and Frederick Hendrick read, and referred to John Coe, Content Titus and Samuel Edsall, J.P.s for Queen's County, for their report. [C.O. 5, 1184. pp. 464-466.]

March 18. **263.** Council of Trade and Plantations to the Board of Whitehall. Ordinance. Mr. Thomas Drewett is recommended to us as one yt will undertake the business (*of carrying stone to Newfoundland*) as cheap as any other. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Math. Prior. [C.O. 195, 2. p. 423.]

March 18. **264.** Lieut. Governor Day to the Council of Trade and Plantations. On Oct. 22, the Assembly convened together before me and the Council and I proposed to them several matters absolutely necessary for the support and welfare of these Islands by raising moneys and to consider of severall temporary Acts which were near expiring, especially that for raising money by a liquor tax. To which they returned that as to cash in the hands of Capt. John Tucker, Treasurer, received by virtue of the Liquor Tax, they found to bee 160*l.* or upwards, for which reason they conceived no occasion of the continuance of the Liquor Tax, it being not expired until Nov. 11. Whereupon I ordered the Act to be read and it appeared that there was no time therein limited for the continuance thereof, so that myself and Council are of opinion that the Act is perpetuall. Since which severall vessels have imported liquors into these Islands, but refuse to pay the duties by the said Act appointed, alledging it is expired, and particularly Thomas Gilbert and James Browne of these Islands, who not only have refused to pay their duties, but in great contempt and opposition have assaulted, abused and wounded the Cheife Searcher here in the execution of his office, and are since in a clandestine manner run away with their vessel without any clearings. I await your directions, and meantime shall take all care to receive the tax according to the tenors of the Act and to apply the same to the use thereby directed. *Signed*, Sam. Day. *Endorsed*, Recd. 3, Read 15 May, 1701. 1 p. *Enclosed*,

264. i. Copy of the Act for raising a public Revenue for the support of the Government of Bermuda, Nov. 11, 1698. 4 pp.

264. ii. Minute of Council in Assembly of Bermuda, Oct. 22, 1700, and Minute of Council, Dec. 30, 1700. 1 p. *Endorsed as letter.*

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264. iii. Deposition ("the Addistation") of John Rawlins as to the assault mentioned in the preceding letter. Bermuda, Jan. 15, 1700 (1701.) *Copy.* 1½ pp. *Endorsed as preceding.* [C.O. 37, 3. Nos. 53, 53 i.-iii.; and (without enclosures) 38, 5. pp. 154-156.]

March 18. **265.** Minutes of Council in Assembly of Barbados. Error of Bayly *v.* Bayly heard, and after a long and tedious hearing, judgment reversed.

Petition of Isaac Dias, David Namias and Jacob Nimes, Wardens of the Hebrew Nation, on behalf of that Nation, complaining that they are overtaxed for Church and Parish dues, heard, and argued by Council. Ordered that the Jews pay for 1700 in proportion to the parish dues as they do to the publick tax, which amounts for houses, trade *etc.* to 165*l.*

Petition of Alexander Skene, about retailers of liquors taking out licences, read and recommended to the Assembly. [C.O. 31, 6. p. 402.]

March 19. **266.** Journal of Assembly of Barbados. Only 13 members appearing, the House adjourned. [C.O. 31, 6. p. 434.]

March 19. **267.** The Attorney General to the Council of Trade and Plantations. I find nothing in the Acts of Barbados, Sept. and Nov. last, (1) for the Remission of Fines of the late Grand Sessions and (2) for the payment of 2,000*l.* sterling to H.E. the Hon. Ralph Grey, contrary to Law or prejudicial to H.M. Royal Prerogative. *Signed,* Tho. Trevor. *Endorsed,* Reed. 24 March. Read 30 May, 1701. ¾ p. [C.O. 28, 4. No. 89; and 29, 7. p. 312.]

March 19. **268.** Council of Trade and Plantations to Mr. Secretary Whitehall. Vernon. Understanding that H.M. has appointed a Captain of the Company at Newfoundland, we find ourselves obliged to take notice to you that it is necessary that he or some other person at Newfoundland have the superior command of the soldiers and H.M. Forts there, in the absence of the Commander of the Convoy, as you will see by the inclosed copy of a Commission to the Lieutenant that is now returning. *Signed,* Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. *Annexed,*

268. i. Copy of Commission referred to above. [C.O., 195, 2. pp. 424-426.]

March 19. **269.** William Popple to Mr. Burchett, desiring him to acquaint Whitehall. the Lords of the Admiralty with the purport of the letter March 14. —No. 255. [C.O. 195, 2. p. 426.]

March 19. **270.** William Popple to Mr. Lowndes. The Council of Trade Whitehall. and Plantations having received a letter from the Lords of the Admiralty acquainting them that their Lordships had upon a former letter from this Board given orders to the Victuallers of the Navy to provide and send to Newfoundland 12 months'

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provisions for a Captain and 40 additional men that are to be sent thither, the provisions for the Company now at Newfoundland being some time past put on board, and that their Lordships intended the said officers and soldiers should be carried in the *Assistance* frigate, which is now in the Downes, and that they had ordered provisions on board her for their passage, and the Agent of the said Company informing this Board that no money is yet ordered for the said additional men or for the provisions for them, I am commanded to desire you to lay the same before the Lords of the Treasury, that this Board may be enabled to return an answer to the Lords of the Admiralty therein. [C.O. 195, 2. p. 427.]

March 20. **271.** Order of King in Council referring enclosed petition to
Kensington. the Council of Trade and Plantations. *Signed*, John Povey.

Endorsed, Recd. 9. Read 15 April, 1701. $\frac{3}{4}$ p. *Enclosed*,
271. i. Petition of Samuel Allen, Proprietor of New Hampshire, to the King. The Council of New England, by virtue of their Commission from King James, 1620, granted to John Mason the tracts of land named New Hampshire, which have since been conveyed to petitioner, who is now the lawful Proprietor. *Refers to the Commission of Governor Cranfield* (see *Cal. A. & W.I.*, 1682, No. 453) and the case of Mason and William Vaughan (*Cal.* 1686, Nos. 974, ff.). Notwithstanding the difference [*about payment of quit rents*] was then so fully settled, yet since petitioner hath been Proprietor, some inhabitants have refused to pay their quit-rents, whereupon petitioner did lately bring his action in ejectment in the superior Court of Judicature of New Hampshire against Richard Waldron for trying his right Aug. 13 last. All the Judges and Jury were tenants and consequently partys. Petitioner entered his appeal to this Board from the verdict then passed against him, but was denied it, under pretence that the matter in action was under the value of 300*l*. Altho' the damages might be under that value in this action, yet in regard this trial is for determining the Proprietor's right to the whole Province, and for that all the inhabitants are tenants and parties concerned, and for that William Vaughan, on the other hand, was admitted to an appeal, Petitioner prays that his appeal may be admitted. *Copy.* 3 pp. [C.O. 5, 862. Nos. 44, 44 i.; and 5, 909. pp. 394-399.]

March 20. **272.** Minutes of King in Council. Representation from the
Kensington. Lords Commissioners of Trade and Plantations, March 6, on the petition of the Agents of Barbados, for the applying the $4\frac{1}{2}$ per cent. to the Public uses therein mentioned was read, but nothing ordered thereupon. *Signed*, John Povey. *Endorsed*, Recd. Read March 27, 1701. $\frac{1}{2}$ p. [C.O. 28, 4. No. 86; and 29, 7. p. 305.]

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- March 20. **273.** Minutes of Council of the Massachusetts Bay. Licence granted to Thomas Banister to erect a building of timber and brick at the south end of Boston.

Payment ordered to Benjamin Davis, apothecary, for medicines supplied to Jonathan Prescott, Chirurgion, for the soldiers and workmen employed in building the trading house and fort at Cascobay. [*C.O.* 5, 788. p. 38.]

- March 20. **274.** Minutes of Council in Assembly of Barbados. Ordered that an Assembly be called to meet on 29th at 7 o'clock in the morning, H.E. having something of great moment to communicate to them. Ordered that a Court of Errors be held on that day.

250*l.* paid for 6 months' rent for the Governor's House.

Report of the Attorney and Solicitor General relating to pirates (*see* Jan. 22) read:—Since we understand that a state of the pyrates' condition hath been transmitted to H.M., we are of opinion that no further proceedings can be had till his Royal pleasure is known, but that in the meantime, if any of them intend for England, they may be permitted so to do, and have certificates of surrendering themselves. *Signed*, E. Chilton, Rich. Turner. [*C.O.* 31, '6. pp. 402, 403.]

- March 20. **275.** Journal of Council of Trade and Plantations. Entrance Whitehall. was made upon the consideration of the Earl of Bellomont's letter, Jan. 2.

A further progress was made in preparing an answer to the Order of the House of Commons, March 12.

Journals, *etc.* required by the House of Commons, March 14, were delivered to Mr. Blathwayt to be laid before that House.

- March 21. Mr. Thurston's Memorial read. Letter to Mr. Burchet read.

Report upon Proprietary and Charter Governments considered.

Further progress made in preparing an answer to the Order of the House of Commons, March 12. [*Board of Trade*. Journal, 13. pp. 415-420; and 98. Nos. 53, 54.]

- March 20. **276.** Minutes of Council of New York. Mrs. Cortlandt and her son attending, the latter replied to the Memorial of the Collector (*Weaver*) that he would not produce the list of the Farmers of the Excize unless the books of the King's Revenue were delivered to him, and the widow did affirm that she could produce no other list than what the books shewed. The Council proposed that the books should be produced to them before the Council, and that they should be permitted to take what informations they could to assist them to form a list of the Farmers of Excize, provided they would, upon the delivery of such list, make oath that it was the fullest and perfectest they could make, both of those farmers that had given recognizances and those that had not, and that they had received no sum or summes of money upon the account of the excize of this Province, either by discount or obligation or any other wayes, but what H.M. had creditt given for in the books of the Revenue. They both positively refused.

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Mr. Parmyter said it was impossible for him to give in his answer to Mr. Weaver's complaint against him, for want of a paper containing a rough draft of instructions for the Naval Officer's duty, wh. is now amongst Lord Bellomont's papers. He was allowed 10 dayes longer.

March 21. Col. Peter Schuyler and Robert Livingston having arrived from Albany, a message was sent to them desiring their company as Members of Council. They returned no manner of answer and did not come.

Letter from Hendrick Hansen, at Albany, in reply to letter of March 6, engaging to subsist the soldiers there for a fortnight, wh. the Council approved of as a service to H.M., for that it will support the forces until such time the money since sent arrives.

Five barrills of powder *etc.* ordered to be delivered for the soldiers on the solemnity of the funeral of Lord Bellomont.

Ordered that a soldier's pay be applied to paying his rent due to widow van Bossah. [*C.O.* 5, 1184. *pp.* 466-469.]

March 21. **277.** Mr. Thurston to Mr. Blathwayt. I most humbly pray Mr. Popple may have directions to write to Mr. Birchett signifying the mistake of 3 men's provisions, and that you will be pleased to take into consideration the bedding *etc.* necessary for the additional men, that the Office of Ordnance may be making provision accordingly. *Signed*, J. Thurston. *Endorsed*, Reed. Read March 21, 170^o_T. *Addressed*. 1 *p.* [*C.O.* 194, 2. No. 33; and 195, 2. *p.* 428.]

March 21. **278.** William Popple to Mr. Burchett. I am commanded by Whitehall. the Lords Commissioners for Trade and Plantations to acquaint you that no final answer can be returned to your letter of the 8th instant, concerning the men that are to be sent to Newfoundland, till the Establishment for that Company, which is at present depending before the Treasury, be settled. Only in the meanwhile, whereas the first direction given to this Board concerning those men expressed that they should be 40 and a captain, they are now intended to be but 37 and a captain, so that the provisions for three men may be retrenched. [*C.O.* 195, 2. *pp.* 428, 429.]

March 24. **279.** Articles of High Crimes and Misdemeanours charged upon the Governors in the several Proprieties. *Signed*, Ed. Randolph. *Endorsed*, Reed. Read March 24, 170^o_T. 3 *pp.* [*C.O.* 5, 1260. No. 100; and 5, 1289. *pp.* 4-11.]

March 24. **280.** Minutes of Council of the Massachusetts Bay. H.E. having received a letter from the Council of New York of the death of H.E. the Earl of Bellomont, ordered that Mr. Duncan Campbell go to New York with letters of condolence to the Countess of Bellomont on this sorrowful occasion. 20*l.* paid him for his journey.

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The General Assembly at their last Session having past a resolve that a General Fast be appointed to be observed throughout this Province on such day as this Board shall order, and that if the unhappy news of H.E. the Governor's death should prove true, it be therein particularly deplored, Proclamation ordered appointing April 24 for that purpose. [*C.O.* 5, 788. p. 39.]

- March 24. **281.** Journal of Council of Trade and Plantations. Mr. Randolph presented to the Board a paper (March 24) upon the misdemeanours of Governors in the Proprieties.

Draught of letter to Governor Grey read.

Letter to Mr. Lowndes ordered.

Further progress made in preparing an answer to the Order of the House of Commons, March 12.

- March 25. Letter to Governor Grey signed.

- March 26. Nicholas Gillibrand was granted a copy of the letter from this Board to Mr. Secretary Vernon, Oct. 31 last.

Further progress made with answer to the House of Commons.

Representation upon the state of the Propriety and Charter Governments agreed upon. [*Board of Trade. Journal*, 13. 420-423; and 98. Nos. 55-57.]

- March 24. **282.** Minutes of Council of New York. The Gentlemen of the Council having appointed to meet this day to consult and give the necessary orders for the more honble. interment of his late Excellency, and to resolve on further measures for support of the soldiers and supply of their subsistence *etc.*, ordered the Messenger to acquaint Col. Peter Schuyler and Robert Livingston, that they should meet and consult with them, to which Mr. Livingston made no other reply (the Messenger not meeting with Col. Schuyler) than demanding if Col. Smith was not yet come to town. Neither met to sit in Council.

Ordered that, to avoid any mistakes or difference between H.M. soldiers in pay and the Militia of this Province on account of place at the interment, the officers of the former lay their proposals before the Board. Powder *etc.* ordered for the batteries on this occasion. Ordered that Col. Abr. Depeyster give such orders as he thinks most proper to the gunners of the batteries, and discourse the Capt. of H.M.S. *Advice* about the number and method of firing the minute guns.

Ordered that Col. Abraham Depeyster and Robert Walters endeavour to find persons that will advance 300*l.* more on Bills given by the private credit of the Gentlemen of H.M. Council, and that notice be given to the paymasters of Albany that more money shall be sent to them by the first opportunity for the subsistence of the soldiers.

- March 25. The Messenger waited on Col. Schuyler and Mr. Livingston, and acquainted ye sd. Mr. Livingston, he not meeting with Col. Schuyler, that the Council satt this morning, to which he gave no answer, nor did either of them meet with the Council.

The officers of H.M. forces in pay laid before the Board proposals of a method for the drawing up, marching and firing them

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and the Militia at Lord Bellomont's interment. The Council agreed upon the necessary orders and desire Col. Depeyster to appoint adjutants to see that they be carried out.

Col. Depeyster informed the Board that he procured 133*l*. more on the private credit of the Gentlemen of Council, and the Managers of the pay of the forces at Albany announcing that the last money sent will be wholly expended on Sat. next, ordered that the 133*l*. be immediately sent up, with assurances that there shall be further care taken for their constant supply to prevent their being discouraged or deserting. [*C.O.* 5, 1184. pp. 469-472.]

March 25.
Whitehall.

283. William Popple to William Lowndes. The Lords Commissioners for Trade and Plantations desire you that Mr. Baker, Solicitor of the Treasury, may be directed to furnish this Board with 50 copies of the late Act of Parliament for the more effectual suppression of piracy, to be sent to the Plantations. [*Board of Trade.* Plantations General, 35. pp. 408, 409.]

March 25.
Whitehall.

284. Council of Trade and Plantations to Governor Grey. Enclosing H.M. letter (*No.* 246, ii.) and copies of the petitions and memorials referred to, and directing him to send answers accordingly. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Ab. Hill, Mat. Prior. [*C.O.* 29, 7. pp. 303, 304.]

March 26.

285. The King to Governor the Earl of Bellomont. Warrant to stop Mr. Weaver's salary for the year and a half he was absent from his duty. Given at our Court at Kensington, March 26, 1701. *Countersigned*, Ste. Fox, H. Boyle, Richd. Hill. *Endorsed*, Reed. Read April 30, 1701. *Copy.* 2 pp. [*C.O.* 5, 1046. *No.* 11; and 5, 1118. pp. 267-269.]

March 26.

286. Council of Trade and Plantations to the King. Having formerly on several occasions humbly represented to your Majesty the state of the Governments under Proprietors and Charters in America, and perceiving the irregularities of those Governments dayly to increase, to the prejudice of trade and of your Majestie's other Plantations in America, as well as of your Majestie's revenue arising from the Customs here, wee find ourselves obliged at present humbly to represent, that those Colonies in general have no ways answered the chief design for which such large tracts of land, and such privileges and immunities were granted by the Crown; that they have not conformed themselves to the several Acts of Parliament for regulating Trade and Navigation, to which they ought to pay the same obedience, and submit to the same restrictions as the other Plantations, which are subject to your Majestie's immediate Government. On the contrary, in most of these Propriety and Charter Governments, the Governors have not applied themselves to your Majesty for your approbation, nor have taken the oaths required by the Acts of Trade, both which qualifications

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are made necessary by the late Act for preventing frauds *etc.* They have assumed to themselves a power to make Laws contrary and repugnant to the Laws of England and directly prejudicial to Trade; some of them having refused to send hither such Laws as they had enacted, and others having sent them but very imperfectly. Divers of them have delayed Appeals to your Majesty in Council, by which not only the inhabitants of those Colonies but others your Majesty's subjects are deprived of that benefit in the Plantations under your Majesty's immediate Government, and the parties agrieved are left without remedy from the arbitrary and illegal proceedings of their Courts. These Colonies continue to be the refuge and retreat of Pirats and Illegal Traders, and the receptacle of goods imported thither from foreign parts contrary to Law, in return of which commodities those of the growth of these Colonies are likewise contrary to Law exported to foreign parts, all which is likewise much encouraged by their not admitting appeals as aforesaid. By raising and lowering their coin from time to time, to their particular advantage, and to the prejudice of other Colonies, by exempting their inhabitants from duties and customs to which the other Colonies are subject, and by harbouring of servants and fugitives, these Governments tend greatly to the undermining the trade and welfare of the other Plantations, and seduce and draw away the people thereof. By which diminution of hands the rest of the Colonies more beneficial to England do very much suffer. These independent Colonies turn the course of trade to the promoting and propagating woollen and other manufactures proper to England, instead of applying their thoughts and endeavours to the production of such commodities as are fit to be encouraged in those parts, according to the true design and intention of such settlements. They do not in general take any due care for their own defence and security against an enemy, either in building forts or in providing their inhabitants with sufficient arms and ammunition, in case they should be attacked, which is every day more and more to be apprehended, considering how the French power encreases in those parts. This chiefly arises from the ill use they make of the powers entrusted to them by their Charters, and the independency which they pretend to, and that each Government is obliged only to defend itself, without any consideration had of their neighbours, or of the general preservation of the whole. Many of them have not a regular militia, and some (particularly East and West New Jersey) are no otherwise at present than in a state of anarchy and confusion. And because the care of these and other great mischiefs in your Majesty's Plantations and the introducing such an administration of Government and fit regulation of Trade as may put them into a better state of security and make them duly subservient and useful to England, does every day become more and more necessary, and that your Majesty's frequent commands to them have not met with due compliance, we humbly conceive it may be expedient that the Charters of the several Proprietors and others, intitling them to absolute

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Government, be reassumed to the Crown, and these Colonies put into the same state and dependency as those of your Majesty's other Plantations, without prejudice to any man's particular property and freehold, which being no otherwise so well to be effected as by the Legislative power of this Kingdom, we humbly submit the same to your Majesty's Royal consideration. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Matt. Prior. [*C.O.* 5, 1289. pp. 12-17.]

March 27. **287.** Answer of the Council of Trade and Plantations to the Order of the House of Commons, March 12. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. A review of the work and proposals of the Council of Trade, since March 21, 1699, abstracted in this and preceding volumes of the Calendar. [*Board of Trade*. Trade Papers, 15. pp. 167-191.]

March 27. **288.** Journal of Council of Trade and Plantations. Draught of an answer to the Order of the House of Commons of the 12th inst. agreed upon.

Minute of Council, March 20, relating to the $4\frac{1}{2}$ per cent. in Barbadoes, read.

Lord Bellomont's letter, Jan. 2, further considered.

March 28. Answer to the Order of the House of Commons, March 12, signed and delivered to Mr. Blathwayt, to be by him presented to the House. Further progress made in considering Lord Bellomont's letter of Jan. 2.

Ordered that the Secretary write to Mr. Taylor (*v.* March 31). [*Board of Trade*. Journal, 13. pp. 424, 425; and 98. Nos. 58, 59.]

March 29. **289.** Minutes of Council in Assembly of Barbados. Error brought by John Waterman found good and judgment reversed. Error brought by Dorothy Love, *alias* Reid, against John Thomas was continued by consent.

Error brought by James Clinckett against John Pead was three times called, and, nobody appearing, was dismissed.

Error brought by James Cecil to reverse a judgment given against Richard Lyne, executor and guardian of James Cecil, jr., upon an action of dower brought by Dorothy Cecil heard, and judgment reversed.

The Assembly presented an Act for raising a levy to defray the charges of repairing the fortifications, which was read three times and consented to.

Petitions of Samuel Nockold, merchant, for the drawback on 50 pipes of Madera turned sour, read and granted. [*C.O.* 31, 6. pp. 403, 404.]

March 29. **290.** Journal of Assembly of Barbados. The House met by special summons from His Excellency. Col. Abell Allyn was re-elected Speaker.

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Bill for raising a levy read a third time.

John Lucie Blackman granted leave to bring in a bill to dock an estate taile.

Petition of William Heysham and Roberts referred to a Committee.

Bill for the exchange of Philip Trowell's lands read.

Petition of Edward Cordwent for a drawback on Madera wine granted.

Address to H.E. passed for payment of 40*l*. to Capt. Robert Arthur for the use of his house for the sittings of the Council and Assembly. The House adjourned till April 14. [*C.O.* 31, 6. *pp.* 434-436.]

March 29. **291.** Minutes of Council of New York. Resolved that this Board will sit on Tuesdays and Fridays, and whenever H.M. service shall require it. No other money being as yet to be procured to be advanced on the private credit of the Members for paying the soldiers' weekly subsistence due this day, Col. Depeyster and Mr. Weaver offered to advance ready money for the subsistence of the two companies in this City, to be repaid them out of the first moneys that can be raised by Bills of Exchange given on the private credit of the Gentlemen of the Council. [*C.O.* 5, 1184. *pp.* 473, 474.]

March 31. **292.** Minutes of Council of New York. Isaac de Riemer, Mayor, and David Provost, Alderman, appointed to be Justices of the Supreme Court of Judicature to be held the first Tuesday in April.

Memorial of the Commissioners of Accounts read. Ordered that Peter Schuyler and Robert Livingston be served with a copy and desired to give in their answer on Fryday next.

Answer of Paroculus Parmyter, Naval Officer, to Mr. Weaver's Memorial read. Ordered that the latter do bring his proofs before the Board on Tuesday sevensnight.

Petition of Johannes van Cortlandt read and referred to a Committee.

The Naval Officer informing the Board that he hath lately seized the goods of Bartholomew le Feurt, an alien, and that they being *bona peritura* he hath taken security from him to pay the value thereof if they shall be condemned in the Court of Admiralty, ordered that the said goods be delivered out of the Custom House to Le Feurt.

Remonstrance of Col. Schuyler and Mr. Livingston read.

Ordered that the Clerk of the Council do not deliver to any Member or Members of this Board any copy of any Minute or Order of Council unless he is ordered to do the same by the Members in Council. [*C.O.* 5, 1184. *pp.* 474, 475.]

March 31. **293.** William Popple to Mr. Taylor. The Council of Trade and Whitehall. Plantations, understanding that H.M. Household are now about to be paid, desire you to move the Lords of the Treasury for payment of half a year's allowances and salaries for this Office,

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and that you would further mind them of the Bill of Incidental charges which was laid before them, Jan 17. [*Board of Trade. Miscellanies*, 11. p. 103.]

March 31. **294.** Journal of Council of Trade and Plantations. Mr. Thurston desiring a certified copy of the forming of the Company at Newfoundland, Aug. 29, 1698, ordered that the same be given him by the Secretary.

Lord Bellomont's letters, Jan. 2 and 16, considered. Directions given for preparing an answer to them and others that have been lately before their Lordships. [*Board of Trade. Journal*, 13. p. 426; and 98. No. 60.]

April 1. **295.** Journal of Council of Trade and Plantations. Mr. Wharton and Mr. Hallam desired their Lordships would please to take into consideration the Order of Council of Dec. 5 last, in order to report upon Hallam's petition, which they promised to do in a short time.

Letter from Mr. Stoughton, Boston, Dec. 20, read.

Mr. Randolph granted, as desired, an extract of their Lordships' late Report to the House of Commons, which relates to Proprieties.

Two letters from Mr. Penn, Dec. 8 and 13, and 31, read and papers enclosed laid before the Board. Directions thereupon given for making extracts and copies of what relates to pirates and pirates' goods, in order to sending the same to Mr. Secretary Vernon.

Letter from Dr. Blair to the Secretary, Williamsburgh, Va., Dec. 13, read.

April 2. Letter to Mr. Secretary Vernon, inclosing extracts as above, signed and sent.

Directions given for preparing an answer to Mr. Penn.

Letter to Mr. Secretary Vernon, enclosing extracts of Lord Bellomont's letters relating to Masts provided by him in the Province of New York, signed and sent.

Mr. Henry Baker delivered duplicates of Commissions for trying Pirates, and 50 copies of the Act for the more effectual suppression of piracy.

Letter to the Rt. Hon. Mr. Boyle signed and sent.

April 3. Representation relating to the Propriety and Charter Governments in America signed and sent to the Council Board.

Mr. Larkin attending, directions were given for preparing a draught of Instructions from His Majesty to him.

Letter from Mr. Burchet, April 2, read. Answer ordered. [*Board of Trade. Journal*, 13. pp. 427-433; and 98. Nos. 61-63.]

April 1. **296.** Minutes of Council of New York. *Present* :—Col. Smith, New York. presiding, Peter Schuyler, Abra. Depeyster, S. Staats, R. Livingston, Robert Walters, Thomas Weaver. Col. Smith having acquainted the Council that three of the soldiers of the garrison are lately deserted, and the officers who informed him believe the

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reason arises from their being quartered in barracks without the Fort, but there is now room in the garrison for all the soldiers in this City, ordered that all the soldiers in His Majesty's pay in this City be immediately quartered in the Barracks in His Majesty's garrison, and that the Storekeeper provide Carpenter's nailes, etc., for fitting them up, and that the Collector pay the same. And for preventing desertion in the future, Proclamation ordered setting forth a reward of 40s. to any person who shall secure any soldiers of the garrison who shall at any time hereafter be found wandering beyond Turtle Bay on this Island, or on any place off this Island.

Petition of Tho. Spread granted.

Account of Richard Claese, Chimney Sweeper of the Fort, ordered to be paid.

Mr. Ludlow's account for copying several papers for His late Excellency referred to a Committee.

Payment of the Barge Crew ordered.

Ordered that the Officers and Chirurgion of the Forces do immediately give a list of what is wanting for the use of the soldiers in the hospitall, and that the same be delivered to them accordingly by the storekeeper.

Mary and Judith Thomas, nurses of the Hospital, ordered to be paid by the Receiver General, it being of great necessity, he keeping an account thereof that the King's Revenue may be repaid out of the 30 per cent., when it shall be received by the Agent of the Forces out of the Treasury of England.

Petition of Engelbert Lott, late High Sherrieff of King's County, read, and whereas he hath made a considerable seizure of goods which were condemned, and the King's part not amounting to above 10*l.*, in consideration of the great charge the Sheriff hath been at and the great loss he hath suffered by the imbezilment of the goods after condemnation, His Majesty's part of the said condemned goods was granted unto him.

April 2. *Present, as yesterday.*

Petition of Lieut. Mathews read, setting forth that he is eldest Lieutenant in the Fort and by His Excellency's death ought to command it, and praying to be excused doeing the duty of mounting the guard as Lieutenant. The Council are satisfied that they are Chief Commanders at present of the whole Province and consequently of the Fort, and Lieut. Mathews is only Lieut. of a single independent Company of Foot, whereof Lord Bellomont was Captain, and that he ought not to be exempted from his duty of mounting guard in his turn with the other Lieutenants. Lieut. Mathews then desiring that he might have orders to do his duty under the hands of the Council, he was answered that he should go and doe his duty, or otherwise at his peril.

April 3. *Present, as yesterday.*

Order that the officers in His Majesty's pay give an account of the Stores received from Capt. Caldwell, in order that he may have a receipt.

1701.

Ordered that the Clerk of the Council deliver to Capt. Caldwell, H.M.S. *Advice*, an extract from Lord Bellomont's Letters Patents of the Constitution of this Government in the case of the death or absence of His Excellency and the Lieut. Governor, together with copies of the Minutes of Council, March 5 and 13, 1700, of the settling the Government in order thereunto.

The Officers of the Forces, together with the Serjeants, being summoned, and demanded the reasons why the soldiers did so frequently desert, said the souldiers are not satisfied with the pay they have hitherto received, and demand their pay in sterling money, which the Council cannot relieve them in till His Majesty's pleasure is further known. They likewise offered, that the new recruits, not having clothing provided out of their pay due before leaving England, are much discouraged. Proclamation for preventing desertion read and ordered to issue. Ordered that on desertion of any of the souldiers any of the officers having notice which way to pursue, may repair to the Receiver General, who is hereby ordered to supply them with money sufficient to support the charge of the pursuit, and it shall be allowed him in his accounts.

Ordered that the officers and serjeants do assure the souldiers that Lord Bellomont represented to His Majesty and the Ministers the hardship of the 30 per cent. deduction, and that they may expect suddenly to know His Majesty's pleasure.

Petition of Capt. James Weemes read, desiring to go to England to adjust the accounts of his Company. The Council are of opinion that His Majesty's service requires Capt. Weemes' residence at this juncture of time, and he is hereby required to repair immediately to his post at Albany. Memorial of Capt. Weemes read, setting forth the condition of the garrisons of Albany and Schenectady, which the Council resolve to lay before the Assembly.

Salaries of William Sell, Daniel Toy, and Nicholas Feilding, Land and Tyde waiters, of James Evitts, Searcher of the Port, of John Depeyster, Surveyor of the Customs, of John Croke, Ganger, of Barne Cosens, Clerk of the Council, and of Richard Stokes, Messenger of the Council, paid.

The Council advised the Representatives to adjourn till tomorrow, many of their members not being yet come to town. [C.O. 5, 1184. pp. 481-488.]

April 2.
Whitehall.

297. Council of Trade and Plantations to Mr. Secretary Vernon. We enclose some extracts of letters from Lord Bellomont lately received, relating to Masts provided by him in the Province of New York for the service of H.M. Navy; whereupon we observe that our directions, which he mentions as the ground of his proceedings, were not for buying any certain number, nor for sending any of them home, but only to make a trial how some trees for the largest masts, which he had informed us were growing above Albany, could be got down the Great Fall, and to compute at what rates they might be delivered on ship-board at New York. Nevertheless his Lordship, upon the opinion he

1701.

has that it may be for H.M. service, having proceeded to contract for 24 masts of the dimensions and at the prices within specified, and it being necessary that some directions be given about sending for them together with such ship-timber as he may have ready to fill up a ship proper for such a cargo, as likewise about the payment of such Bills as he has drawn, or may draw, upon this account, we desire you to lay the whole matter before H.M. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [C.O. 5, 1118. pp. 248, 249; and 5, 1079. No. 66.]

April 2.
Whitehall.

298. Council of Trade and Plantations to the Rt. Hon. Henry Boyle. We take leave to acquaint you that you, as Chancellor of H.M. Exchequer, are one of the Commissioners for Trade and Plantations, and that we shall be glad of your assistance at this Board, whenever your other affairs will permit. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [Board of Trade. Miscellanies, 11. p. 104.]

April 2.

299. Council of Trade and Plantations to Mr. Secretary Vernon. Enclosing extracts of letters from Mr. Penn, with copies of papers therein mentioned, relating to pirates (Dec. 8 and 31, 1700) and pirates' goods in Pennsylvania. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. [C.O. 5, 1289. p. 39.]

April 2.

300. Order of the House of Commons, that the Commissioners for Trade and Plantations do lay before the House an account of what complaints have been made to them in relation to the Trade or Courts of Justice in the several Plantations in America, Proprieties and elsewhere, and what they have done therein. *Signed*, Paul Jodrell, Cl. Dom. Com. *Endorsed*, Reed. Read April 5, 1701. $\frac{3}{4}$ p. [Board of Trade. Plantations General, 5. No. 92; and 35. p. 409.]

April 2.

301. Journal of the House of Representatives of New York. Adjourned till to-morrow.

April 3.

Adjourned till to-morrow.

April 4.

See Minutes of Council under date. Put to the question whether, by reason of the death of the Earl of Bellomont and the absence of the Lieut.-Governor, the Members met by proclamation from the Council were of right to sit as Representatives according to the tenor of the writ by which they were chosen. Carried in the affirmative. [C.O. 5, 1184. pp. 965, 966.]

April 2.
Admiralty
Office.

302. J. Burchett to William Popple. My Lords of the Admiralty being now sending their Instructions for the ships going to Newfoundland, I desire you'll lett me know whether, besides the heads of enquiry, you have anything from my Lords of the Council for Trade to recommend to the Commander-in-Chiefe during his being in those parts, and particular whether there is occasion for his taking a survey of the Bay of Bonavista. There is Provisions shipt on board a vessel taken up by the Victuallers

1701.

of the Navy for ye Soldiers intended for Newfoundland, but an intimation being given me this morning, as if it was uncertaine whether they will be sent thither, I desire you will informe me in that matter, and if they are to goe, when they will be ready, and where they must embarque. *Signed*, J. Burchett. *Endorsed*, Reed. Read April 3, 1701. *Addressed*. 1 p. [C.O. 194, 2. No. 35; and 195, 2. pp. 429, 430.]

April 3.
Whitehall.

303. William Popple to Josiah Burchett. The Council of Trade and Plantations have nothing particular to recommend to the Commander of the Newfoundland Convoy in relation to the Bay of Bonavista, nor have they anything further to add to the Heads of Enquiries, which have already been sent you. As to the additional soldiers, their Lordships do believe it is still intended that those soldiers be sent thither, but do not yet know when they will be ready nor where they must imbark. [C.O. 195, 2. p. 431.]

April 3.
Barbados.

304. Governor Grey to Mr. Blathwayt. I received yours of Jan. 1 last, which favour I had sooner acknowledged had any vessell gone from these parts for London before now. What complaints have been made, occasioned by delay of Justice in the Chancery, there is no ground for. By the next ships I shall send an account of the manner and method of our proceedings in that and all the other Courts of the Island, and likewise an account of all trials of all sorts that have been transacted in the several Courts from my arrival here to this time. We have not one cause upon the Chancery List, the several Judges of the Courts of Common Pleas, Court of Admiralty, Court of Exchequer, etc., have orders to render an account to me in Council at our next sitting of all their proceedings in order to be transmitted home. *Signed*, R. Grey. *Endorsed*, Reed. Read June 11, 1701. *Copy*. 1 p. [C.O. 28, 4. No. 90; and 29, 7. p. 313.]

April 3.
Kensington.

305. Order of King in Council. Referring to the Council of Trade and Plantations, for consideration and report, the following petition. *Signed*, Edward Southwell. *Endorsed*, Reed. 9, Read April 15, 1701. $\frac{3}{4}$ p. *Enclosed*,

305. i. Petition of Alexander Skene to the King. Petitioner has been at last admitted to part of the office of Secretary of Barbados [see *Cal. A. & W. I.* 1699, 1700], in accordance with your Majesty's Order in Council, but neither Gov. Grey nor Mr. Bedingfield have made him any satisfaction for the profits, etc., of that office during the time that Petitioner was kept out of it, nor for his great expenses connected therewith, nor is Petitioner as yet admitted into the enjoyment of the said office according to your Majesty's Letters Patents and the constant usage of the Island, for Edmund Bedingfield, by colour of a grant from the Governor of the office of Private Secretary to

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the said Governor, or on some other pretences by the authority of the said Governour, hath sett up another Secretary's Office in the said Island, and hath removed severall of the Books and Records that from the first settlement of the Island till then were always kept in Petitioner's Office, and takes all the fees and perquisites relating to Marriages, Protests, Wills, Administrations, Guardianships and other public matters, which of right belong to Petitioner's Office, which is thus rendered of little value, whilst offices are multiplied and your subjects put to double trouble. *Copy.* 2 $\frac{1}{4}$ pp. [C.O. 28, 4. Nos. 87, 87. 1.; and 29, 7. pp. 307-310.]

April 4. **306.** Minutes of Council of New York. *Present as April 1.* Col. Peter Schuyler and Robert Livingston were desired to give in their accounts to the Commissioners appointed for stating the public Accounts, as soon as possibly they can, for the same is absolutely necessary for H.M. service and in pursuance of the Act of Assembly.

Ordered that the Clerk of the Council deliver to Robert Livingston a Minute of Council of Jan. 27 last, relating to the Excize of Albany, of Jan. 30, relating to his salary, as Secretary for the Indian affairs, and to Col. Schuyler and Mr. Livingston a Minute of this day relating to them.

Ordered that the Storekeeper deliver for the use of H.M.S. *Advice* two Rheam of Cartridge paper, the Captain having informed this Board that there is none to be procured elsewhere.

The Assembly were advised to adjourn till Monday, but thirteen of their Members being come to town. [C.O. 5, 1184. pp. 488, 489.]

April 5. **307.** Governor Blakiston to the Council of Trade and Plantations. Maryland. I have by this conveyance addressed myself to Mr. Secretary Vernon to move His Majesty in my behalfe of comeing for England ye next summer, 1702, in case my health will not give me leave to be serviceable to His Majesty longer. *Describes the state of his health.* The inhabitants here have an universal satisfaction of my endeavour since my arrival, etc. *Signed,* N. Blakiston. *Endorsed,* Recd. Read June 12, 1701. 1 $\frac{1}{4}$ pp. [C.O. 5, 715. No. 31; and 5, 726. pp. 81, 82.]

April 5. **308.** John Thurston to Mr. Popple. I pray you will let Whitehall. me have your letter to the Commissioners of the Customs to acquaint them that the cloathes I am sending to Newfoundland, and which contain the particulars hereunder mentioned, are for the use of the garrison there, in order to their passing to the Downs, without any let or hindrance. *List of articles of clothing.* *Signed,* Jno. Thurston. *Endorsed,* Recd. Read April 5, 1701. 1 p. [C.O. 194, 2. No. 36; and 195, 2. p. 433.]

1701.

April 5.
Whitehall.

309. William Popple to John Sansom. The Council of Trade and Plantations command me to send you the [*above*] letter, and to certify that the said clothes were provided for those soldiers by the directions of this Board, in pursuance of His Majesty's Order. [*C.O.* 195, 2. p. 432.]

April 5.

310. Journal of Council of Trade and Plantations. Order of the House of Commons, April 2 (*q.v.*), read. Directions given for collecting Heads of the matters inquired into for an answer.

Draught of Instructions for Mr. Larkin agreed upon.

Memorial from Mr. Thurston read. Forwarded, as desired, with letter to Mr. Sansom. [*Board of Trade.* Journal, 13. pp. 434, 435; and 98. No. 64.]

April 7.

Boston.

311. Minutes of Council of the Massachusetts Bay. Minute guns ordered to be fired at the Castle and Fort for Lord Bello-mont's funeral.

13*l.* 6*s.* 6*d.* paid to Major Tyng for scouts and other expenses connected with the Indians.

Payment made to Joseph Hilter, Tinman, for work done on the *Province* galley.

John Hilton paid for services in the garrison of Fort Loyal in Cascobay.

80*l.* voted towards repairing the President's house in Cambridge. 300*l.* ordered to be paid towards the repairs of the fortifications on Castle Island.

John Borland, of Boston, Merchant, granted licence to build a timber barn at the lower end of his orchard near Atkinson's Lane, and, with Joseph Bridgeham, a timber warehouse betwixt their own warehouse and ye warehouse of Simeon Stoddard by Mr. Oliver's dock.

William Burroughs, of Boston, Marriner, granted licence to erect a timber dwelling house over against the Salutation, in the place where his house now stands, which he is about to take down.

Nathaniel Jarvis, of Boston, Mariner, granted licence to erect a dwelling house with timber, also at the North end of the town, at a place called Merry's Point, in the room of an old one.

William Mumford, of Boston, stone-cutter, granted licence to erect an additional building of timber to his dwelling-house standing by the Mill-pond.

Licence granted to Joseph Prout of Boston to erect a timber building upon his wharf at the North end of the Town to adjoin his Warehouse, in the room of a lean-too which he intends to pull down, and to erect another timber building adjacent. [*C.O.* 5, 788. pp. 39-42.]

April 7.
Portsmouth,

312. Minutes of Council of New Hampshire. Major Vaughan was sworn a Member of Council.

Secretary ordered to write to the Justices of the Peace and Select Men of Hampton to proceed upon making the rate as

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the law directs and to give notice to the Lieut.-Governor and Council of any person that shall cause any interruption. [C.O. 5, 789. p. 9.]

April 7. **313.** Journal of House of Representatives of New York. Ordered that the Clerk write to several members to require their attendance, and the Speaker sign the letters. Adjourned till to-morrow.

April 8. See abstract of *Minutes of Council under date*. Letters ordered yesterday signed. Adjourned till to-morrow.

April 9. Adjourned till to-morrow. See *Minutes of Council*.

April 10. Adjourned till April 14. See *Minutes of Council*. [C.O. 5, 1184. pp. 966, 967.]

April 8. **314.** Governor Blakiston to the Council of Trade and Plantations. By this conveyance I send a list of ye numbers of inhabitants within this Province. I am to sensible they are not so perfect as they ought to be, but going through soe many hands, who are the respective Constables and Officers, etc., and they being very eliterate, make it all most impracticable to perform with that exactness your Lordships are pleased to require. The Assembly is to meet May 8, before which time I hope to receive from your Lordships some instructions how our Laws, which was sent home last Assembly are approved off, and if any irregularity in them, that it may be corrected this Sessions, as your Lordships shall direct. Signed, N. Blakiston. Endorsed, Reed. Aug. 6, Read Aug. 13, 1701. *Holograph*. 1 p. Enclosed,

314. i. Abstract of above. 1 small page.

314. ii. Abstract of 14 lists of the inhabitants of Maryland, referred to in preceding letter.

| | Taxables. | Untaxables. | Total. |
|--------------------------|-----------|-------------|--------|
| Prince George's County.. | 963 | 1395 | 2358 |
| Charles County..... | 946 | 1686 | 2632 |
| Cecil County..... | 870 | 1134 | 2004 |
| Kent County..... | 707 | 1223 | 1930 |
| St. Mary's County..... | 1277 | 2236 | 3513 |
| Calvert County..... | 1248 | 1569 | 2817 |
| Somerset County..... | 1680 | 3724 | 5404 |
| Dorchester County..... | 868 | 1749 | 2617 |
| Talbot County..... | 1846 | 3016 | 4862 |
| Ann Arundell County.... | 1809 | 2312 | 4121 |

12,214 20,044 32,258

Note subscribed: Yet q. this list as Baltimore County was not included. Endorsed, Reed. Aug. 6, 1701. 1 p. [C.O. 5, 715. Nos. 32, 32, i, ii.; and (without abstract) 5, 726. pp. 92, 93.]

April 8. **315.** J. Thurston to Mr. Popple. The Commissioners of the Customs alledging they cannot direct the passing the cloaths for the soldiers at Newfoundland, Custom free, without an order from the Treasury, I humbly desire you to write to Mr. Lowndes that the said Order may be had. *List of articles of clothing*.

1701.

Signed, J. Thurston. *Endorsed*, Recd. Read April 8, 1701. *Copy*.
1 p. [C.O. 194, 2. No. 37; and 195, 2. p. 434.]

April 8. **316.** William Popple to Mr. Lownds. The Council of Trade
Whitehall. and Plantations send you the (*above*) letter to lay before the Rt.
Hon. the Lords Commissioners of the Treasury. [C.O. 195, 2.
p. 435.]

April 8. **317.** Journal of Council of Trade and Plantations. Draught
of a Circular Letter to Governors, to whom the Commissions for
Trying Pirates are directed, agreed upon.

Mr. Henry Baker, Solicitor of the Treasury, delivered to the
Board fifty copies of the Proclamation for encouraging the appre-
hending and convicting of pirates, March 6, to be sent to the
Plantations by Mr. Larkin or otherwise as occasion may
require.

Their Lordships took into consideration some heads of the
matters to be reported to the House of Commons in answer to
their order of the 2nd inst., and gave further directions towards
preparing an answer.

Letter from Mr. Thurston read. Ordered that the Secretary
forward it to Mr. Lowndes, to lay it before the Lords of the
Treasury.

April 9. Copy of the Act for the service of Almighty God in Maryland
with alterations proper to be made therein, received from Mr.
Bray, April 11, read and considered.

April 10. Secretary by direction wrote to Mr. Burchet as to enquiries
to be made in Newfoundland.

Representation, wherewith to lay before His Majesty, Mr.
Larkin's Instructions, signed and sent to the Council Board.

Letter to the Admiralty about directions to the Commodore
going to Newfoundland ordered.

Progress made in considering the Act for the Service of
Almighty God in Maryland.

Secretary ordered to write to the office for enregistering
servants transported to the Plantations.

Mr. Randolph granted, as desired, an extract certified by the
Secretary of the dates of Charters of Proprieties in this office.
[*Board of Trade*. Journal, 13. pp. 436-440; and 98. Nos.
65-67.]

April 8. **318.** Minutes of Council of New York. *Present as April 1.*
The storekeeper announced that he and Capt. Mathews had
given a receipt to Capt. Caldwell [see April 3].

Petition of Barne Cosens, Clerk of the Council, referred.

26l. 5s. 1½d. paid to Jan Janse Bleeker for repairing the Block-
houses and officers' lodgings at Albany by order of his late
Excellency, the Earl of Bellomont.

Ordered that the Mayor and Aldermen of Albany do hire
lodgings for the officers in H.M. pay posted at Albany from May
next to May ensuing.

1701.

William Lawrence appeared in pursuance of an order of this Board, March 15, together with Mr. Nicoll on behalf of Susannah Lawrence. Both parties heard. Decision referred till to-morrow.

John Laurence, late High Sheriff of Queen's County, applied to be reimbursed his charge in bringing down East India goods, seized by him, from the said County to New York. Application referred.

Col. Smith produced a paper to the Board, signed by himself, which was read by the Clerk of the Council and ordered to be lodged in his hands. The Assembly desiring to know if this Board have any service for them, advised that they adjourn till to-morrow, and meantime the Council will prepare what they think will for H.M. service be fitt to offer to them.

April 9. *Present as April 1.* Paper signed by Thomas Weaver in Council was read by the Clerk and then signed by Col. Abra. Depeyster, Samuëll Staats and Robert Walters, in which the Clerk is commanded by them to enter the same in the Council Book, together with the answer of Col. Smith. Col. Smith answered that when a copy thereof is delivered to him he will give in his answer thereto, which the Clerk was ordered to give him with all expedition. [*The paper is entered. See April 30. No. ix.*]

April 10. *Present* :—Col. Peter Schuyler, presiding, Samuel Staats, Robert Livingston, Robert Waters (*sic*), Thos. Weaver.

Col. Smith sent a messenger to acquaint the Board that he had not as yet perfected his answer, and therefore desired them to desire the Assembly to adjourn till to-morrow. But to-morrow being the Coronation Day of H.M., this Board ordered the Clerk of the Assembly (who was attending them to know their pleasure) to desire them to adjourn till Monday. [*C.O. 5, 1184. pp. 489-495.*]

April 8. **319.** Minutes of Council in Assembly of Barbados. Error brought by Dorothy Love, *alias* Reid, against John Thomas, to reverse a judgment given by the Hon. Charles Buckworth and Thomas Brewster, for detaining a negro man from John Thomas, found good. Judgment reversed.

Error brought by John Fercharson and Thomas Fercharson *v.* Katherine Fercharson, to reverse a judgment of the Hon. John Hooker for a writ of partition of several negroes, dismissed.

Error brought by Daniel Carter *v.* Dominick Arthur, to reverse a judgment of the Hon. Richard Elliot upon an action of trespass, found good. Judgment reversed.

Letter to H.E. from the Lords of the Council of Trade, Jan. 22, with a copy of a petition of John Loder, etc., read. Ordered that the entring of the said letter and petition in the Council Book be suspended till notice be given to the Lords of the Council of Trade and their pleasure further known, the petition being altogether false and groundless, of which their Lordships shall have a further account. John Holder, Esq., was called in, and the above petition, complaining that petitioners had been very much discouraged from prosecuting in the Court

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of Chancery by reason of the great delays in the sitting of the said Court, and being asked by H.E. and this Board whether he, as Attorney to the petitioner had ever writt home to give occasion for any such complaints, he declared that he never did directly or indirectly writt anything to that purpose, and that he never had any reason so to do.

40*l.* paid to Robert Arthur for the use of his house for the benefit of H.E., Council and Assembly. [*C.O.* 31, 6. *pp.* 404-406.]

April 10.
Boston.

320. Lieut.-Governor William Stoughton to the Council of Trade and Plantations. Although I am ready to think that before this can come to hand your Lordships will be advised from New Yorke of the death of the Earl of Bellomont there on March 5, the certain notice whereof arrived here on the 22nd; yet I account it my duty to observe the same to your Lordships, and the sense I have of the very great loss which the Provinces under his Government, and this in particular, have suffered, in being deprived of the conduct of a person so well furnished with prudence, skill and courage for management of the public affaires; especially at a time when there is so great prospect of trouble and difficulties approaching, and the greatest need for a skilful Pilot to be at the helm. H.M. good subjects accounted themselves happy, and were made easy by H.E.'s prudent administrations, and lye under the highest obligations to his sacred Majesty for his Royal Favour in sending a Governor of so great eminence, worth and temper to rule over them, and humbly pray for the continuance of H.M. Princely care and regard towards them.

The rumours of a new War likely to commence do's smartly alarm us and fill us with no little consternation at the pre-apprehensions of the distresses, wherein this Province will unavoidably be merged, if there happen a rupture betwixt the Crowns of England and France. For we may expect no other but that the Indians will be instigated by the French to make fresh inroads on our frontiers and our Plantations. The wounds we formerly received by them being still recent, the People will be extreemly discouraged to be again embroyl'd and harassed by those bloody salvages, who are not to be trusted on their most solemn protestations of fidelity, and are more hard to be found and taken after the committing of any outrage than the wild beasts of the wilderness. If H.M. shall be graciously pleased to afford his good subjects some stores for war and other assistance, it will very much animate them to stand their ground, and expose their lives in the defence of his interests; otherwise their difficulties will be so insupportable as will necessitate them to draw in, whereby the enemy will gain advantage. I pray you effectually to represent this to H.M. consideration. I shall take care that an account of what shall occur within this Province be from time to time transmitted to your Lordships. *Signed*, Wm. Stoughton. *Endorsed*, Recd. June 19, Read 25 *ditto*, 1701. 3 *pp.* *Annexed*,

320. i. Abstract of preceding. 1 *p.* [*C.O.* 5, 862. *Nos.* 45, 45. i.; and 5, 909. *pp.* 425-428.]

1701.

April 10.
Boston.

321. Lieut.-Governor William Stoughton to Mr. Secretary Vernon, *announcing in similar terms the death of Lord Bellomont* "whose agreeable temper, great prudence and integrity very much recommended him to the affections of H.M. good subjects." "This Province thro' God's goodness is at present in quiet, but the rumours of a new war do's greatly alarm us, which, if it so happen, we shall soon be sensible of the want of H.E. conduct, and the more with respect to his management of the Indians, and keeping the Five Nations in a good temper, who will be in danger of being debauched by the French," *etc.* *Asks for succours and stores for war, etc.* Signed, Wm. Stoughton. *Endorsed*, R. 13 June, 1701. 2 pp. [C.O. 5, 862. No. 46.]

April 10.
Whitehall.

322. William Popple to the Persons who execute the office for enregistering the names of servants transported to H.M. Plantations. The Council of Trade and Plantations desire you to let them have a copy of the Patent by which your office is established, together with an account of the method of proceedings in that office. [*Board of Trade. Plantations General*, 35. p. 415.]

April 10.
Whitehall.

323. William Popple to Josiah Burchett. The Council of Trade and Plantations desire the Lords Commissioners of the Admiralty would be pleased to direct the Commodore going to Newfoundland to make a strict enquiry not only into the disposal of the Provisions sent thither the last year, and those now sent, but also into the method and regularity of the payment of the officers and soldiers there, and of their behaviour; and (as much as in him lyes) to redress what abuses he may find in the above-mentioned particulars, and return an account thereof to one of H.M. Principal Secretaries of State, and to this Board, with the answer to the other Heads of Enquiries by the first opportunity; and for the information of the Commodore herein, I send you a copy of the regulation of subsistence and allowance of provisions for the Company, as it was first constituted. [C.O. 195, 2. pp. 435, 436.]

April 10.

324. Council of Trade and Plantations to the King, enclosing Instructions to George Larkin and circular letters to the several Governors, with reference to the Commissions for the trying of pirates in the Plantations. (*See* April 14). Signed, Stamford, John Pollexfen, Ph. Meadows, Abr. Hill, Wm. Blathwayt, Mat. Prior. *Annexed*,

324. i. Draft of Instructions referred to above. *Countersigned*, James Vernon. April 14, 1701. [*Board of Trade. Plantations General*, 35. pp. 410-414.]

April 10.
Kensington.

325. Order of King in Council. Approving above, and directing Mr. Vernon to prepare Instructions and Letters for the Royal signature accordingly. Signed, Ed. Southwell. *Endorsed*, Reed. 23, Read April 25, 1701. 1 p. [*Board of Trade. Plantations General*, 5. No. 93; and 35. pp. 453, 454.]

1701.
April 11. **326.** Council of Trade and Plantations to the Lords Commissioners of the Admiralty. Mr. Larkin (*see above*) being about to take his passage for Newfoundland and from thence to proceed to the respective Plantations, we have prepared circular letters for H.M. signature to the Governors thereof (*see* April 14), and it being requisite that some directions to the like effect be also given by your Lordships to the Commander in Chief of H.M. Ships of War at Newfoundland, we enclose a copy of that letter for your information. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. [C.O. 195, 2. pp. 437, 438.]
- April 11. **327.** J. Burchett to Mr. Popple. I have communicated your letter to my Lords of ye Admiralty and they have this night sent the additional directions mentioned therein to Capt. Graydon, Commander in Chief of H.M. ships going to Newfoundland. *Signed*, J. Burchett. *Endorsed*, Reed. 11, Read April 15, 1701. $\frac{3}{4}$ p. [C.O. 194, 2. No. 38; and 195, 2. p. 439.]
- April 11. **328.** Observations upon the Maryland Act for Religion. Suggestions and Corrections with the decisions of the Board of Trade (?) upon them. *Without signature or endorsement.* 3 pp. [C.O. 5, 715. No. 33.]
- April 11. **329.** Journal of Council of Trade and Plantations. Letter to the Admiralty signed and sent.
His Grace the Lord Archbishop of Canterbury and Lord Bishop of London being now at the Board, the Maryland Act for Religion with amendments offer'd to be made upon it, lately received from Doctor Bray, was taken into consideration, and several observations being made thereon and alterations agreed upon, a minute thereof was given to Dr. Bray, together with the Act itself, in order to the making farther amendments accordingly, and returning it to this Board that it may be then considered more fully. [*Board of Trade*. Journal, 13. pp. 441, 442; and 98. No. 68.]
- April 14. **330.** Circular letter from H.M. to Lieut.-Governor Bennet, relating to Mr. Larkin's mission appointed to repair, with duplicates of Commissions for trying pirates, to the respective Plantations. "You and others Commissioned with you are, with his advice, to settle such rules and formes of proceedings in the Courts for the trying of pirates as ought to be observed, pursuant to that Commission, etc." Kensington, April 14, 1701. *Counter-signed*, Ja. Vernon. [C.O. 38, 5. pp. 156-158.]
- 331.** Similar letter, *mutatis mutandis*, to Governor Grey. [C.O. 29, 7. pp. 305, 306.]
- 332.** Similar letter, *mutatis mutandis*, to Governor Sir William Beeston. [C.O. 138, 10. pp. 146, 147.]

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333. Similar letter, *mutatis mutandis*, to Governor Codrington. [C.O. 153, 7. pp. 154, 155.]

334. Similar letter, *mutatis mutandis*, to Governor Blakiston. [C.O. 5, 726. pp. 41-43.]

335. Similar letter, *mutatis mutandis*, to Governor the Earl of Bellomont. [C.O. 5, 1118. pp. 250, 251; and 5, 909. pp. 392-394.]

336. Similar letter, *mutatis mutandis*, to Governor Nicholson. [C.O. 5, 1360. pp. 76, 77.]

April 14. **337.** Minutes of Council of New York. *Present, as April 1.* Col. Smith signed in Council his answer [see No. 318, and April 30. No. x.] to the paper delivered him April 9, which was read with the opinion of Col. Peter Schuyler and Robert Livingston, which was put in writing and annexed to the said paper and signed by them both, and read also in Council, of which papers the rest of the Gentlemen of the Council delivered their opinion in writing, signed by them, which they ordered to be recorded in the Council Book, as follows :—Col. Smith having offered a paper as reasons for not acting according to the establishment of Government invested in H.M. Council by H.M. Letters Patents, which paper recites several other papers offered by Col. Smith to the Council, it is the order of this Board that the said papers be all lodged in the Clerk of the Council's hands, in order that the Gentlemen of H.M. Council may have copies thereof, and draw up answers to them to be transmitted to H.M., but the said papers having been read and found to contain several unjust representations of matter of fact relating to matters transacted by the Council, they do therefore think them unfit to be recorded in the Council Book. *Signed*, A. D. Peyster, S. Staats, R. Walters, T. Weaver.

A paper was produced to this Board signed by Col. Abraham De Peyster, Samuell Staats, Robert Walters and Tho. Weaver, containing pressing reasons why the General Assembly ought to sit, wherein they order the same to be entered in the Council Book, and there to be transmitted. [*The paper is entered. See April 30. No. xi.*]

Ordered that the Clerk of the Council deliver to any Member of Council copies of such Minutes, Orders of Council and publick papers, as he shall require of him, notwithstanding an order of this Board, March 31, the difficulty being since removed.

April 15. *Present, as yesterday.* Col. Smith, Eldest Councilor, proposed the taking of several registers of vessels, which the Naval Officer had informed this Board was necessary to be done, by the delaying of which trade would be hindered. Whereupon Col. Smith was demanded of, if he would allow and consent that the major vote of H.M. Council should stand and be deemed the Act of the Council, which he refused to admit of; upon which the major part of H.M. Council declared that they would proceed in

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no matters of business with Col. Smith till he consented thereto, upon which Col. Smith left the Council Chamber, first saying that he did adjourn the Council.

- April 16. *Present, as April 1.* Ordered that the Clerk of the Council do wait on Capt. William Caldwell, Commander of H.M.S. *Advice*, and desire him to meet the Board to-morrow, to consult with them what will be most necessary for H.M. service to imploy his said ship. [*C.O.* 5, 1184. *pp.* 495-506.]

- April 14. **338.** Journal of House of Representatives of New York. Paper signed by four of the Council [*See Abstract of Minutes of Council, under date*] sent down, was read.

- April 15. The above paper was read. Ordered that this House forthwith inquire in whom the administration of the Government is by vertue of H.M. Letters Pattents vested. Ordered that the Clerk do immediately wait on Tho. Weaver, in whose custody they are informed H.M. Letters Pattents to Lord Bellomont now are, and desire him to send ye same to this House, together with all other papers and minutes made by the Council since Lord Bellomont's death, signifying their sense in whom the administration is now invested. The Clerk delivered to Mr. Speaker from Mr. Weaver Lord Bellomont's Commission, and Minutes of Council, March 5 and 13. Lord Bellomont's Commission was read and debated.

- April 16. Resolved, that the Administration of the Government of this Province and the execution of H.M. Commission granted to ye late Earl of Bellomont for ye Government of this Province is by his death and the absence of the Lieut.-Governor invested in H.M. Council, in which the eldest Councillor residing in the Province is to preside, with the powers and preheminencies thereto belonging, but that ye administration of said Government and ye execution of said Commission is not vested in the eldest Councillor nor any other single member of the Council.

Major Mathew Howell, Capt. Daniel Whitehead, Kilian van Renslaer, Col. Henry Peirson and Major John Jackson delivered in a paper to the House, which was read and ordered to lye under consideration.

Resolved, that ye paper of April 14, signed by the major part of the Council, is and ought to be received by this House as ye sense of H.M. Council, in which the Government is now vested, and ought to be considered of accordingly.

Resolved that the debates made in Council by Col. Smith, according to what H.M. Council have represented to this House, has been the occasion that the proceedings of the General Assembly for H.M. service have been so long delayed to the great hazard of the safety and peace of this Province.

Ordered that the Commissioners of Accounts make their report to this House on Friday. [*C.O.* 5, 1184. *pp.* 967-975.]

- April 15. **339.** Governor Blakiston to the Council of Trade and Plantations. Maryland. Mr. Thomas Laurence, H.M. Secretary of this Province,

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is this day dead of a feavour. On which occasion upon ye application of Mr. William Bladen, a gentleman who for these tenn years past has faithfully served H.M. in several employments within this Province as Clarke of Assembly and Clark of the Council, as also in H.M. Customs here, wherein he has been serviceable beyond others in his station, etc., I humbly presume to recommend him to your Lordships. If I had any thoughts that Sir Thomas Laurence would move your Lordships for himselfe in this affaire, I should altogether desist representing any other person. *Signed*, N. Blakiston. *Endorsed*, Recd. June 8, Read June 11, 1701. *Holograph*. 1½ pp. [C.O. 715, 5. No. 34; and 5, 726. pp. 70-72.]

April 15.
Barbados,

340. Council of Barbados to the Council of Trade and Plantations. Refers to letter of Jan. 27 with petition of John Loder, *etc.*, wherein to our great surprize we find that they complain of the neglect of holding the Court of Chancery here, that it has been sometimes adjourned for five or six months at a time and that they were discouraged from further prosecution of their business by reason of such delays. How unjust and groundless their petition is will appear by the declaration of John Holder, Esq., their Attorney here, and by a certificate from the Register in Chancery of this island, here inclosed, whereby your Lordships will see there has been no neglect of holding that Court, but that their two Bills, which are all they ever had in the Chancery Court here, fell, the first by the death of Mr. Thomas Dubois, one of their Attorneys; the other Bill was demurred to by the Defendant, and set down for a hearing, March 12 last. The Petitioner's Council acquainted the Court that they could not proceed to a hearing of the said demurrer, for that the Bill was fallen by the intermarriage of Mrs. Dorothy Hanks, one of the Complainants, and that they would bring a new Bill, which they have not yet done. And as to the General Complaints of not holding the Chancery Court and that there were 300 causes at a time depending in it, they lye under the same fate of being unjust and groundless, as your Lordships will see by the account of all the proceedings in that Court since His Excellency's arrival here. The Court of Chancery was never adjourned or appointed for a longer time than four weeks at once, but for some months together 'twas held once a week, and every cause, demurrer, motion, or other matter depending in that Court was dispatch'd and the List wholly cleared, and when it was not held according to the appointment of four weeks, 'twas by reason of a severe malignant feavor which continued several months amongst us, and especially in the Towne, where most houses were shutt up, the Lawyers oftentimes downe of the distemper and not able to attend their clients' business, and the complainants and defendants living in the country frequently desired to have their causes continued rather then be at the hazard of coming to town to prosecute them. We have also heard of a complaint made by Mr. Hodges and Mr. Hawkins in an affaire heretofore depending betwixt Mrs. Newton and Gibbes, *etc.*, which can have no manner

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of truth in it, for that there has not been any bill nor cause relating thereunto in the Court of Chancery here since the Government of Col. Kendall, which besides a certificate from the Register's Office here-inclosed, Col. Richard Scott, a member of this Board, and one of the Attorney's of Richard Bate, Esq., now in London, and other of the Trustees of Madam Newton does affirm to us. It was therefore our humble opinion, with H.E.'s, not to enter the said petition of Mr. Loder, Mrs. Crofts and Mrs. Frederick in the Council Book till your Lordships' pleasure be further known, the matters therein contained being false and scandalouse reflections on H.E. and the proceedings of this Government, and we humbly pray your Lordships to continue your favour and justice of giving us opportunity of answering for ourselves upon any complaints made. *Signed*, John Farmer, Geo. Lillington, Geo. Andrews, Wm. Sharpe, Pat. Mein, Tob. Frere, Mich. Terrill, David Ramsay, Richd. Scott, Ben. Cryer, Thomas Merrick. *Endorsed*, Recd. June 19, Laid before the Board June 25, Read July 2, 1701. 3 large pp. *Enclosed*,

340. i. Copy of Minute of Council of Barbados, April 8, 1701. *Endorsed*, Recd. June 19, Read July 2, 1701. 1 p.

340. ii. Certificate from the Register of the Chancery in Barbados as to the case Newton *v.* Gibbs. Complainant filed her Bill Feb. 28, 169 $\frac{2}{3}$, to which defendant filed his demurrer March 21, 169 $\frac{2}{3}$. On April 19, 1693, Complainant's Bill of Complaint was dismiss out of the said Court, since which Complainant has not filed any other Bill in the said Court against the Defendant. April 16, 1701. *Signed*, Wil. Beresford, Regr. Canc. *Endorsed as preceding*. $\frac{3}{4}$ p.

340. iii. Certificate from the Register of the Chancery in Barbados as to the case of Mary Crafts, and Martha Frederick *v.* Hester Gascoigne. Complainants filed their Bill of Complaint Sept. 2, 1700, to which defendant put in her demurrer Oct. 12, 1700. On March 12, 1701, the Bill was admitted and concluded by the Counsel of each side to be fallen by the marriage of one of the complainants, and the Court adjudged accordingly. April 16. 1701. *Signed and endorsed as preceding*. $\frac{3}{4}$ p.

340. iv. Abstract of above letter. 1 p. [C.O. 28, 5. Nos. 1, 1. i.-iv.; and (without enclosures) 29, 7. pp. 323-327.]

April 15.
Whitehall.

341. Council of Trade and Plantations to Mr. Penn. Refer to letter of April 2. Mr. Secretary Vernon having already given you some direction concerning Pirates and Pirates' Goods, it is most proper that you continue to receive from him what may be further necessary. The question you ask about Law, in case of any one's concealing the goods of pirates, whilst they remain unconvicted, will be best resolved by the late *Act for the more effectual suppression of piracy*, which you will have seen long before this time, and unto which we must referr you for the

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rule of your conduct in all matters of that nature. The heads that you have sent us of your deliberations with Lord Bellomont and Col. Nicholson do contain or point at some considerations, which may be of very good use for the general benefit of H.M. Plantations, and we shall not fail to have them in our eye, in order to promote the execution of one or other of them in proper occasions. You will do well also on your part, tho' you cannot frequently meet, to continue a constant correspondence with ym. and with Col. Blakiston by letters, that by preparing in that manner and digesting matters of common importance, H.M. service may be the better promoted, and the publick concerns of all your Governments carried on without any clashing or interfering of interests. We shall expect the Method of proceedings in the several Courts of Pennsylvania, which had been required by the Lords Justices, together with the revised Laws, as you promise them. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. [C.O. 5, 1289. pp. 40-42.]

April 15. **342.** Minutes of Council of Virginia. Proclamation proroguing the Assembly till June 4, signed.

Commission for Thomas Mountford, to be Capt. of a troop of horse in the Lower parts of James City County, signed.

Commissions for John Frayser, to be Lieut. and Edward Jacquelin to be cornet of the said troop, signed.

A new Commission of the Peace being prepared for New Kent County, H.E. nominated and appointed John King and Henry Chiles to be added to the Commission, and James Moss and John Stannup to be of the quorum. Mr. Benja. Harrison appointed to prosecute in the General Court as King's Attorney, *pro hac vice*. [C.O. 5, 1409. pp. 76, 77.]

April 15. **343.** Minutes of Council in Assembly of Barbados. 25*l.* paid Tuesday. to Arthur Slingsby for one year's rent of the Council Chamber.

24*l.* paid to Samuel Maynard, and 25*l.* to Benja. Whiteacre, each for a negro convicted of theft and accordingly executed.

Payment of the account of John Duke, Commander of the watch at the Magazine, ordered.

Ordered that the precepts for calling a new Assembly be signed and dated as on Thursday next, for them to make their returns this day three weeks.

Error brought by James Cecil continued by consent of both parties to next Council day.

Error brought by John Lewis, millwright, to reverse a judgment of the Hon. James Colleton upon an action of detinue brought by John Kattlewell and Eliza., his wife, dismissed.

Error brought by Philip Bennfeild, to reverse a judgment of the Hon. Richard Elliot upon an action of trover and conversion brought by Charles Cleaver, dismissed.

Error brought by Samuel Cox, to reverse a judgment of the Hon. James Colleton, dismissed.

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Error brought by Capt. Peter Colleton and Nicholas Rice continued till next sitting, the parties not being ready.

Henry Tildesly, William Goodman, Nicholas Baker, John Grove, William Heysham, and Thomas Ward, paid for drawbacks on Madera wine turned sower within three months after landing. Edward Lascelles, Joseph Hole, Edward Cordwent, Edward Parsons, paid for drawbacks on wine turned sour or re-shipped within a year and a day. [*C.O.* 31, 6. *pp.* 406-410.]

April 15. **344.** Journal of Council of Trade and Plantations. Letter from Mr. Burchet, April 11, read.

Letter to Mr. Penn signed.

Letter from Sir Wm. Beeston, Jan. 7, read.

Order of Council, March 20, read.

Order of Council, April 3, upon Mr. Skene's petition read, and thereupon ordered that Mr. Fullerton, or any other friend of his that concern themselves to obtain the effect of that petition, have notice to attend the Board with what they may have to offer thereupon.

Mr. Attwood and Mr. Broughton took leave of the Board, being just upon their departure for New York.

Letters from Col. Codrington, Jan 11, 14, 15 and 17, were laid before the Board, and the copy of his proceedings in the Council of St. Christopher's against Capt. Norton, read.

April 16. Letter to Lord Bellomont signed and ordered to be sent by Mr. Attwood.

Further progress made in preparing an answer to the Order of the House of Commons of April 2. [*Board of Trade. Journal,* 13. *pp.* 443-445; and 98. *Nos.* 69, 70.]

April 16. **345.** Council of Trade and Plantations to Governor the Earl of Bellomont. This letter will be delivered to your Whitehall. Lordship by Mr. Atwood, who together with Mr. Broughton come to acquaint us that they are just upon their departure for New York. We have not leisure upon so short warning to enlarge, but are preparing an answer to your letters of Nov. and Jan. last with what speed we can. In the meanwhile, we heartily wish your Lordship all the satisfaction you have promised to yourself in their assistance. *Signed,* Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 1118. *pp.* 251, 252; and 5, 1079. *No.* 68.]

April 16. **346.** Minutes of Council of the Massachusetts Bay. Licence granted to Henry Gibbs to build a leantoo of timber in addition to a house of his at Red Lion Wharfe, at ye North end of Boston.

Licence granted to Joshua Gee to erect a salt-house of timber at the north end of the town, upon the land of his brother's children, adjoining that of Mrs. Edwards.

Licence granted to William Griggs to erect a kitchen of timber at the back end of his house.

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Licence granted to John Clough to erect a barn of timber by his dwelling house at the south end of the town on the right hand of the street leading to Roxbury.

Cornet Peter Ayer and Capt. Samuel Ayer paid for billeting soldiers in 1698. [*C.O.* 5, 788. *pp.* 43, 44.]

April 16.
Boston.

347. Minutes of Council in Assembly of the Massachusetts Bay. The Lieut.-Governor being informed that the House of Representatives were met, summoned them to attend and addressed them :—The report of Lord Bellomont's death being brought to town just at the time of his last parting with them, and not knowing what might fall out thereupon, he was willing to continue them in being by a Prorogation unto this day, since which time of their recess nothing had occurred for their coming together again so soon, and therefore he had thoughts of issueing forth a Proclamation for their dissolution, but the major part of the Council not advising thereto, he had permitted them now to meet, but had nothing in particular at present to commend to their consideration, other than what he did at their former Session, which was not then finished. But as, upon consultation, the Council or themselves might think of anything necessary to be proposed for the service of the Province, he should be willing to speak further to them withal putting them in mind that the present Session must be but short, for that it was the time within a few days for issueing forth of writts for calling a new Assembly ; also observing to them that the Province was never prejudiced by making early provision for supplying of the Treasury.

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A message was sent up from the House of Representatives to acquaint the Lieut.-Governor that they had nothing of business before them, and to pray that, considering the season of the year with reference to ye occasions of the husbandry, they might be dismissed.

Extract of letter, April 11, from the Council for Trade, relating to fortifications, read and sent down to the House of Representatives.

April 18.

The Lieut.-Governor acquainted the Board that he had written to the Rt. Hon. James Vernon and to the Council for Trade, giving an accompt of the death of Lord Bellomont. Copies read and communicated to the Representatives, for their consideration whether they should think fit to joyne with the Council in making an Address to H.M., or such applications as might be proper. The letters were returned with the thanks of the Representatives to his Honour. They signified that they had referred the consideration of the matters contained in the letter sent down yesterday to the next Session.

The Representatives sent up a resolve that an Address to H.M. be prepared expressing the sense of H.M. favour in commissionating H.E. the Earl of Bellomont and Lieut.-Governor Stoughton etc., and praying that the latter may be commissioned to be Governor, and desiring the Council to join therein.

Ordered that a letter be written to the Lord President of the Council for Trade, praying his favour in preferring said Address. The Council refused their concurrence, and resolved that a joint

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Committee of both Houses be appointed to consider of the heads of the Address with reference to the present state of the Province. The Representatives returned this Resolve with a non-concurrence, and insisted upon their former Resolve.

April 19. Three small bills ordered to be paid to the executrix of Obadiah Gill, of Boston.

Bill to empower the Treasurer to issue forth Bills of Credit, past in the House of Representatives and sent up, was read a first and second time, and past. It was passed by the Representatives, read a third time and passed to be enacted.

A Conference about the Address to the King was held.

A message being sent up from the House of Representatives praying that this Court may be dissolved, his Honour summoned the Representatives and dissolved them.

And see preceding abstract. [C.O. 5, 788. pp. 251-255.]

April 17. **348.** George Larkin's receipt for Commissions, etc., for trying pirates in the West Indies, Letters to the Governors and copies of the Proclamation for encouraging the apprehension of pirates, *Signed*, Geo. Larkin. 1 p. *Endorsed*, April 17, 1701. 1 p. [*Board of Trade.* Plantations General, 5. No. 94; and 35. pp. 415, 416.]

April 17. **349.** Journal of Council of Trade and Plantations. Further progress made with answer to the House of Commons, April 2. Mr. Larkin announcing that he is ready to embark, his letters and instructions, etc., were ordered to be delivered to him. [*Board of Trade.* Journal, 14. pp. 1, 2; and 98. No. 71.]

April 17. **350.** Minutes of Council of New York. *Present as April 1.* Ordered that Capt. Caldwell do with the first fair wind and weather cruize with H.M.S. *Advice* for 21 days between the Capes of Delaware and Martin's Vineyard, and that, in case he meet with the Lieut.-Governor, to consult with him in what will be most proper for H.M. service to employ said ship, and to receive further orders from him, but if he do not meet with him, he is to make what expedition he can to Boston, where he is to cleane the *Advice*, and with all dispatch to return to his new station. Ordered that the Clerk prepare such orders with all expedition.

Upon complaint of the Collector to this Board that the Naval Officer refuses to allow him the sight of Registers, certificates and coquets filed in his office, ordered that the Naval Officer produce to the Collector or his order the sight of all such registers, certificates and coquets filed in his office, together with the liberty of taking an abstract of the same.

April 18. Payment of William Davis for sundry disbursements ordered. *Present as April 1.* Payment of Col. Romer ordered for money laid out by him in fitting out several persons sent to the Ottawawas and other remote Nations of Indians by his late Excellency, Lord Bellomont.

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Col. Romer's petition to go to Boston to dispatch some affairs that require his presence there, in consideration that the Lieut.-Governor is daily expected, denied till his arrival.

Salary and account of the Clerk of the Assembly, Gabriel Ludlow, paid.

Gabriell Thompson, Doorkeeper of the Assembly, paid for his salary, house-rent, fire and candle.

Robert Crannell and William Richardson, matrosses of the Fort, paid part of the pay due to them, to be repaid out of the 30 per cent.

Committee appointed to inquire for a fit person to clean the arms in the Fort.

Petition of Richard Ashfield referred until the Lieut.-Governor's arrival.

This Board, having at the request of Governor Penn issued their warrant for the apprehending of several persons, some of which by virtue thereof having been apprehended by the High Sheriff of New York and committed to gaol for crimes said to have been committed by them at Phyladelphia, a warrant was ordered for payment of his expenses, and that the said persons may be no further charge to this Province, the Capt. of H.M.S. *Advice* is hereby desired to receive the said persons on board until further order, and the High Sherriff is required to deliver them to the order of the said Commander.

April 19. *Present* :—Abraham Depeyster, presiding, Samuel Staats, R. Livingston, R. Walters, Thomas Weaver. The Assembly sent a message that they designed to adjourn to the first Tuesday in June, and delivered an Address to the Board, who desired them not to adjourn for two or three hours, in which time they should receive a message from the Board.

Ordered that the Custom House Barge be repaired, the sails, oars, etc., be brought into the Custom House, and the Cockswain and crew be ready to receive the Lieut.-Governor on his arrival.

The Address of the Representatives being read, and the Council entring upon the answer to be made, Robert Livingston rose up and said that he would not joyn nor act with the Council in any matter relating to the Assembly until the arrival of Col. Smith, the President, and thereupon left the Council. The Gentlemen of the Council considering that Col. Smith hath this morning left this city, and is gone to his house, 70 miles off, (the General Assembly being sitting) contrary to the repeated advice of H.M. Council, and Col. Smith having made declaration that without him H.M. Council cannot sitt and act as a Government, to prevent any ill consequences that may otherwise attend this Government, the Council do return answer to the Assembly that they will take all necessary care of what is offered by the Assembly in their Address, and are satisfied that they adjourn till the first Tuesday in June, before which time it may be expected that the Lieut.-Governor will be arrived, and that a copy of this Minute be forthwith transmitted to the Assembly by the Clerk of the Council. [C.O. 5, 1184. pp. 506-513.]

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351. Journal of House of Representatives of New York. Committee appointed (Capt. David Provoost, Capt. De Peyster, the Mayor of New York, Capt. Lewis and Cornelius Sebering) to consider the paper delivered by Five Members yesterday. They reported their opinion that the authors and subscribers thereof are highly disloyal to H.M. and disaffected to his Government; the said paper tends very much to the subversion of H.M. Government invested by H.M. Letters Patents in the present Council. The subscribers have thereby offered the greatest scandal and reproach to the whole House of Representatives, who have on debate resolved that they are a House legally assembled and have proceeded to act as such, the said five members sitting, voting and acting with them as such, until the same, and even after ye delivering in of ye said paper. The Committee are therefore of opinion that ye subscribers are all of them lyable to ye severest rebukes of this House for their disloyalty and insolence, and that Major Math. Howell, being the writer and deliverer in of the said paper be forthwith expelled this House.

This report was read and approved of. Ordered that Major Howell be expelled accordingly. Ordered that the Speaker issue out his warrant for a new writ for another Member for the County of Suffolk to serve in his place.

The House resolved itself into a Committee of ye whole House to consider the proposals of the Council. The Committee reported that as to the Fort of Onondaga, they are of opinion that the building be suspended until the arrival of the Lieut.-Governor, who is a martiall man and experienced in warlike affairs and fortifications, but that an Address be presented by the House to the Council to desire them to take effectual care that such part of ye moneys raised by Act of Assembly for the building and now in the hands of ye executrix of Col. Cortlandt, be paid to H.M. Receiver General, and that the Speaker draw up the said Address accordingly. As to ye Article relating to sending persons to the Five Nations, they were of opinion that a nomination of such persons be put off for a month, in ye hope that the Lieut.-Governor will be here in that time. As to the soldiers, it is absolutely necessary that they be constantly subsisted and paid, and whereas the Gentlemen of ye Council have intimated ye difficulty for procuring mony, for that no Bills will be taken from them in their publick capacity as a Government, and not sufficient can be found on their private Bills, for the payment of which their private estates are liable, and that Col. De Peyster and Mr. Weaver had for these three weeks past subsisted them on their owne charge without any Bills, it is the unanimous opinion of this Committee that the thanks of ye House be returned to those Gentlemen of the Council as have taken care for ye subsistence of the forces, and particularly to Col. Depeyster and Mr. Weaver, and that it may be resolved by ye House that for ye future what mony shalbe wanting to subsist ye forces for ye advance of which bills cannot be procured, that an Address be made to ye Council that money be borrowed by ye Major part of ye Council out of

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H.M. public Revenue, to be repaid when the pay of ye soldiers is remitted from England. This to be continued until the arrival of the Lieut.-Governor and no longer. As to preventing desertion, this House ought to be very tender relating to the Government of ye soldiers, the Lieut.-Governor being shortly expected, but in ye meantime the Council should be desired to take all possible care to prevent it. As to the Forts of Albany and Schenectade, the Committee agree with the Council that their condition is very miserable, and therefore desire the Council do take all possible care for their defence until the arrival of ye Lieut.-Governor, when they think the House will not be farther wanting to consider that matter, which they conceive will then be more proper to remedy the defects.

As to the Masts, they are of opinion that Lord Bellomont made a most advantageous bargain for them for H.M., and do not doubt but that ye House will now and at all times honour the memory of the said noble Earl for ye benefitts they doubt not will ensue to this Province by furnishing H.M. Navy with masts and timber, which the said Earl was the first contriver and proposer of, and they doubt not but that ye Lieut.-Governor at his arrival, with the assistance of ye Council, will take effectual care that ye matter be accommodated as of right and justice it ought to be. The Committee also move ye House that ye thanks of ye House be returned to ye Council for that they have been pleased at this emergency to consult with ye Representatives of ye People met in Assembly about ye great affairs of this Province.

This Report of the Committee was read and approved.

The Speaker signed a warrant for issue of a writ for election of a member for Suffolk County.

April 18.

Address ordered yesterday was approved and ordered to be engrossed and delivered to the Council.

The Commissioners of Accounts produced their report. They were a long while kept out of some of the books and accounts and so delayed, as appears by their memorials to his late Excellency and Council, Feb. 15, and March 29. They can have no books in the Government of Col. Dongan nor Sir Edmund Andros, only some particular accounts unpaid. They cannot have the books kept in the time of Capt. Leisler, but particular accounts only. They are informed Mr. Livingston has some. They cannot have any books to give them any particular account of the Excise, Quit-Rents, fines, forfeitures, since Col. Slaughter's time, whereby great frauds may be committed, as they are ready to aver. They cannot have any particular book of the receipt and distribution of ye taxes since Col. Slaughter's time.

Therefore all the books of accounts of this Government since ye time aforesaid have been mixt and confused, to manifest damage of the Province. The Commissioners have gon thro' all the receipts of the Revenue and taxes since Col. Slaughter's time till Oct. 1 last, wherein we (*sic*) find some mistakes or frauds, upon ye discovery whereof they now are. Col. Peter Schuyler has not, according to their warrant nor his own promisses,

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given them any account for what he had received, Mr. R. Livingston ye like, who has received the largest sums, and they have occasion to believe that by his accounts the greatest frauds are committed, of which they have some information. They desire to be heard upon those and other matters before a Committee of the whole House. *Signed*, Leonard Lewis, Abra. Gouverneur, Rip van Dam, Cornelius Sebering, D. Provoost. The House resolved itself into Committee to hear the Commissioners of Accounts, and having heard them and examined several papers. resolved that the Commissioners ought to proceed in their own method according as the Law in that case provided directs. [*C.O.* 5, 1184. pp. 975-989.]

April 18.
Newport on
Rhode Island.

352. Governor and Company of Rhoad Island and Providence Plantations to the Council of Trade and Plantations. We transmit, in accordance with your letter of August 1, 1700, the most usual and exact methods and proceedings of the Courts, and where anything of weakness doth therein appeare to your Lordships, or that anything material may be added for the more speedy and effectual executing of justice, we most humbly submit ourselves to His Majestie and your Lordships' great wisdom. And what irregularities hath been committed by this Government through any person's weakness, or other ways, for the time past, we most humbly implore H.M. most gracious pardon. *Report Lord Bellomont's death.* We cannot but sympathize with the Provinces under his Government in the loss of so wise and honourable a person, etc. *Signed*, Saml. Cranston, Govr. *Endorsed*, Recd. 25, Read July 30, 1701. 1½ pp. *Enclosed*,

352.i. Method of proceedings in the Courts of Rhode Island. April 18, 1701. *Signed*, West. Clarke, Secretary. 5 pp. *Seal*, "Hope" and Anchor. [*C.O.* 5, 1261. Nos. 1, 1.i.; and (without enclosure) 5, 1289. pp. 131-135.]

April 18. **353.** Minutes of Council of Virginia. William Buckner, Collector of York River District, made oath to his account.

April 19. Several warrants for payments signed.

Payments made to Edw. Jaquelin, to Peregrine Coney for reading prayers, to Dionisius Wright, and to Mrs. Sarah Fowler, executrix of Mr. Barth. Fowler, deceased.

Warrant for 25*l.* 1*s.*, paid to several persons for charges arising from the prosecution of the pirates.

Proposals of Theodorick Bland, Surveyor of Charles City County, concerning the land on the south side of Blackwater, considered, and referred to Mr. Benjamin Harrison, counsel for the King, for his report.

Order of Council, Dec. 19, 1700, prohibiting all persons from seating upon any lands on ye south side Black Water or in Pomonkey Neck without lawful grant, etc., ordered to be duly made public, and continue in force till the next sessions of Assembly. [*C.O.* 5, 1409. pp. 77-79.]

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April 19.
Whitehall.

354. Council of Trade and Plantations to George Larkin. Enclosing Heads of Enquiries to guide him in making observations in the course of his travels through the Plantations, for the information of the Board. *Signed*, Lexington, Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

354. i. Heads of Enquiries referred to above. They are the same as those given to the Governors, and, yearly, to the C. in C. of H.M. Ships of War at Newfoundland. [*C.O.* 195, 2. pp. 417-424.]

April 19.

355. Journal of Council of Trade and Plantations. Letter to Mr. Larkin, enclosing copies of heads of enquiries, signed and delivered to himself.

Further progress made in preparing an answer to the House of Commons. [*Board of Trade. Journal*, 14. pp. 2, 3; and 98. No. 72.]

April 19.

356. Journal of House of Representatives of New York. *See abstract of Minutes of Council under date.*

Barne Cosens, Clerk of the Council, produced a minute of Council, Nov. 12, 1700, granting him 3*l.* 17*s.* 7*d.*, to which the Representatives agreed.

Resolved that no member of this House have any allowance for the adjournment to be made this day, until they meet again, but this minute shall not prejudice any member's salary due before this day. [*C.O.* 5, 1184. pp. 989-991.]

April 19.
Boston.

357. Minutes of Council of the Massachusetts Bay. Writs issued for the meeting of Assembly on the last Wednesday in May next.

12*5l.* paid to Thomas Hinckley, late Governor of the late Colony of New Plymouth, in full satisfaction of service done by him for the publick, he relinquishing to the Province his claim to land formerly Tatamunnah's land.

Payment made to the garrison at H.M. Fort at Cascobay.

Payments made to Edward Thomas, merchant, and Robert Gutteridge. [*C.O.* 5, 788. pp. 44, 45.]

April 22.

358. Minutes of Council of New York. *Present* :—Abraham Depeyster, presiding, Samuel Staats, Robert Walters, Thos. Weaver. Ordered that the Clerk prepare letters for the Governors of Pennsylvania, East and West Jersey and Connecticut, informing them of the number of soldiers deserted since the death of Lord Bellomont, and of the care used by the Council to hinder the same, of the backwardness of the officers of their Governments in the aiding persons sent from this Government to pursue the deserters, and of the inhabitants concealing and employing them, and desiring the said Governors to issue a proclamation strictly forbidding them under a severe penalty so to do, and requiring the officers and inhabitants to seize and secure them, and to be aiding and assisting to such persons who shall from time to time be sent after them, and for an encouragement, such

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person who shall seize and secure any deserter and bring them to H.M. garrisons of New York or Albany, shall have and receive as a reward 40s., to be immediately paid out of the Treasury, together with all such costs and charges as shall be expended by them in their so doing. [C.O. 5, 1184. pp. 513-517.]

April 22. **359.** Minutes of Council of Virginia. Mary Ann Dowton of Elizabeth City Parish, Spinster, convicted of felony, April 18, upon her humble contrition, was pardoned. [C.O. 5, 1409. p. 79.]

April 23. **360.** Report of the Council of Trade and Plantations, in Whitehall. obedience to the Order of the House of Commons, April 2, relating to Trade and the Courts of Justice. *A recapitulation of affairs and proposals already abstracted in this and preceding volumes.* Signed, Stamford. Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. [Board of Trade. Plantations General, 35. pp. 424-452.]

April 23. **361.** Isaac Addington to William Popple. I acknowledge the Boston. favour of yours of Nov. 8 past, and enclose Minutes of Council, and 4 Acts passed at a sessions begun Feb. 12 last. The Lieut.-Governor has written concerning the present state of this Province, particularly of the death of our late Governor, and our great unhappiness in being deprived of him who made all things easy by his prudent conduct. Signed, Isa. Addington. Endorsed, Reed. 19. Laid before the Board June 25, 1701. 1½ pp. Annexed, 361. i. Memorandum of Minutes of Council of the Massachusetts Bay, July 22-Dec. 19, 1700. ¼ p. [C.O. 5, 862. Nos. 47, 47. i.; and 5, 909. pp. 431-433.]

April 23. **362.** Council of Trade and Plantations to Mr. Secretary Whitehall. Vernon. Whereas H.M. is about sending over a Capt. and two Lieutenants together with forty soldiers to Newfoundland in addition to the Company already there, we desire you to offer to H.M. our humble opinion that the said Capt. and Lieutenants be strictly charged not to exercise any authority amongst the inhabitants; not to intermeddle either for money or favour in preserving stages for any of the fishing ships that resort thither, to the prejudice of others, not to employ fishing boats on their own accounts; and in general neither to do nor encourage the doing anything contrary to the late Act of Parliament "to encourage the trade of Newfoundland." Signed, Ph. Meadows, Jno. Pollexfen, Wm. Blathwayt, Abr. Hill, Mat. Prior. P.S.—This requires a speedy dispatch, by reason the ships are going away. [C.O. 195, 2. pp. 439, 440.]

April 23. **363.** Journal of Council of Trade and Plantations. Answer to the Order of the House of Commons, April 2, signed and delivered to Mr. Prior to be by him presented.

Letter to Mr. Secretary Vernon signed and sent.

April 24. Memorial from Mr. Thurston read, and directions given to the Secretary to write to Mr. Pulteney accordingly.

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Representation upon the Order in Council, March 20, relating to Mr. Allen's petition, signed and sent to the Council Board.

April 25. Letter from the Governor and Colony of Connecticut, dated Oct. 14 last, read.

Order of Council, April 10, read.

Draught of a letter to Lord Bellomont agreed upon.

Ordered that as occasion offers of writing to the Governors of Plantations they be each of them directed to take an oath (as Heads of the respective Courts of Chancery) to do equal justice in the causes that shal come before them in those Courts, and to administer the same oath to all the members of the said Courts.

Directions given for preparing a representation upon the subject of presents made to the Governors by Assemblies.

Mr. Wharton, the Solicitor, desiring their Lordships to report upon the Order of Council, Dec. 5, relating to Mr. Hallam's petition, ordered that the Secretary write to Mr. Attorney and Solicitor General, for an answer to what writ them Dec. 18, and that Mr. Wharton have notice thereof, that he may, if he think fit, attend them for it. Ordered also that he be shown that part of the report to the House of Commons, April 23, which relates to that case. [*Board of Trade. Journal*, 14. pp. 3-7; and 98. Nos. 73-75.]

April 24. 364. Order of King in Council, referring to the Council of Kensington. Trade and Plantations the petition of William Partridge. *Signed*, Edward Southwell. *Endorsed*, Reed. Read April 29, 1701. $\frac{1}{2}$ p. *Enclosed*,

364. i. Petition of Lieut.-Governor William Partridge, praying for leave of absence from his Government of New Hampshire for some short time in order to the settling his affairs. *Signed*, Wm. Partridge. *Copy*. $\frac{3}{4}$ p. [*C.O.* 5, 862. Nos. 48, 48.i.; and 5, 909. pp. 401, 403.]

April 24. 365. Council of Trade and Plantations to the King. In Whitehall. obedience to your Majesty's Order in Council, March 20, referring to us the petition of Samuel Allen, we humbly report that the Lords Chief Justices did in 1677 report upon the case of Robert Mason, whose interest is vested in the Petitioner, that they did think it improper to judge of any title of land in the Plantations without hearing the Tertenants or some other persons on their behalf, and that if there were any Courts of Justice upon the place, having jurisdiction, they esteemed it most proper to direct the parties to have recourse thither for the decision of any question of property, untill it shall appear that there is just cause of complaint against the Courts of Justice there for injustice or grievance. (*Cal. A. & W.I.*, 1677. No. 342.) And we do now find that Allen has brought his plea in the Court of Justice there against Waldron, one of the Tertenants, and a verdict having been given against the Petitioner, who by that suit did endeavour to try the title to the whole Province, and he conceiving he has a just cause of complaint upon that decision,

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we humbly offer that, according to the opinion of the said Lords Chief Justices, an Appeal does lye before your Majesty in Council for the injustice complained of; the title of the whole Province being concerned, tho' the issue upon the ejection be under the value of 300*l*. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 909. *pp.* 399-401.]

April 24. **366.** Order of King in Council, that Samuel Allen (*see* Kensington. *preceding*) be admitted to appeal, on giving security to prosecute his appeal the first Council Day in December, and to abide by H.M. determination in Council therein. Authentick Copies of all proceedings in the Superior Court of New Hampshire in Petitioner's case ordered to be transmitted to the Board under the Seal of New Hampshire. *Signed*, Edward Southwell. *Endorsed*, Reed. Read April 30, 1701. 1½ *pp.* [*C.O.* 5, 862. *No.* 53; and 5, 909. *pp.* 404, 405.]

[? April 24.] **367.** Memorial from Mr. Thurston. The Council of Trade and Plantations are most humbly desired to take into their consideration the bedding necessary for the 37 additional men of the Company at Newfoundland, with kettles, platters and cannns, that the Officers of the Ordnance may have notice to provide the same, so as to be ready to be sent away with the next ships, which will be about 14 days hence. *Endorsed*, Reed. Read April 24, 1701. ¼ *p.* *No signature or date.* [*C.O.* 194, 2. *No.* 40; and 195, 2. *p.* 440.]

April 24. **368.** William Popple to John Pulteney. The Council of Whitehall. Trade and Plantations desire you to acquaint the Rt. Hon. the Earl of Romney or the Board of Ordnance that a Capt. and 37 additional soldiers being to be sent to Newfoundland, it will be necessary that bedding, kettles, platters and cans be sent thither for them, by the ships that will be ready to sail about 10 days hence, as were allowed for the men that are already there. [*C.O.* 195, 2. *p.* 441.]

April 24. **369.** Minutes of Council of Virginia. Geo. Luke, Edward Hill, and Henry Scarborough, Collectors, made oath to their accounts.

April 25. Mr. Harrison's opinion upon Mr. Bland's proposals (April 19) was read.

Petition of John Waugh junr., and Edward Mountjoy, of the County of Stafford, setting forth that several persons in the aforesaid County have, for some years past, to the great oppression of the rest of the inhabitants, and in contempt of the Law, concealed several titheables to them belonging, and referring to the Orders of Council passed to prevent this, was read. Ordered that some persons be with all expedition sent with an express to the Sheriff requiring him forthwith to return to the Clerk of the County the several lists of tithables and untithables, 1700, and commanding the Clerk of the County Court forthwith to return the same

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together with an account of the County, debtor and creditor, in 1700, as by former Orders of Council they have been required.

Ordered that a copy of H.M. letter, Dec. 30, 1700, for the encouragement of William and Mary College, be sent into each Countie, to be read in all Courts, Churches, Chappels and other public places.

The following clause of a letter from Sr. Wm. Penn, Philadelphia, Dec. 31, 1700, referred with Sober's affidavit and Col. Quarry's letter, Dec. 27, 1700, to Mr. Harrison for his opinion: "I am now to fall upon a much more unpleasant subject, and yt is Parson Portlock's being Bradenham the Pyrate's trustee. I was jealous of Charles Sober being once his landlord, and of Dr. Hall being his fellow doctor on board the *Samll.*, and an old acquaintance. I sent for both examined them; they both denied they knew anything of his gold, for his silver I sent home with him, without a penny deducted for charges, save 5 or 6 pieces of eight for his weekly allowance, refusing any more, being assured he had gold, I refer ye to Sober's affidavit, which is more express. In ye meane time, ye parson is gone for Virginia or Maryland (he told me to be Minister at St. Maries) with 624 pieces of Arabian gold at least, so many he received, as ye copy of his bond I enclose will inform thee now to prophane his character by being ye repository of a pirate, and at ye same time that he would reproach us in his pulpit for not pursuing pirates to death and the insecurity of it, and encouragement it gave them, he was actually possessed of the treasure of one of the most considerable ones now dead, and two more of the Company, and this reason Dr. Sober gave for concealing Bradenham's bond (or Portlock's rather to Bradenham) yt he was not convicted, and till then not criminall, which is also the opinion of some lawyers of his own persuasion, and of ye vestry too, though I confess I am not of that opinion, however Sober has a good reputation and not abundance of forecast, and for reason suspend all aggravations."

H.E. laid before ye Council a letter from the Governor of Maryland, April 4, 1701, intimating that he and Col. Quarry thought it proper to send Capt. Code to cruise in Delaware Bay in ye time of ye worm, which they thought might do H.M. signal service in discovering and detecting illegal traders, and to prevent ye proceedings of several, who it is thought have now imbarqued themselves in an illegal trade, and have already laid their designs for carrying the same, and desiring his Excellency's advice thereupon. H.E. and his Council highly approved.

H.E. and Council appointed Sheriffs, as follows:—

| <i>Counties.</i> | | <i>Sheriffs.</i> |
|------------------|-------|------------------|
| Henrico | .. .. | John Worsham. |
| Charles City | .. .. | Micajah Lowe. |
| Surry | .. .. | Thomas Holt. |
| Isle of Wight | .. .. | John Pill. |
| Nansemond | .. .. | Richd. Awburn. |
| Princess Ann | | Adam Thorowgood. |
| Norfolk | | Tho. Willoughby. |
| Eliz. City | | Coleman Brough. |

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| <i>Counties.</i> | | <i>Sherriffs.</i> |
|------------------|-------|-------------------|
| Warwick | | Miles Wills. |
| York | | Danl. Taylor. |
| James City | | Tho. Mountfort. |
| New Kent | .. .. | John King. |
| King and Queen | .. .. | John Waller. |
| Gloucester | .. .. | John Gwin. |
| Middlesex | .. .. | Matt. Kemp. |
| Essex | .. .. | John Taliafero. |
| Richmond | .. .. | John Tapley. |
| Lancaster | .. .. | Alex. Swann. |
| Northumberland | .. .. | (Blank). |
| Westmorland | .. .. | Charles Ashton. |
| Stafford | .. .. | John Waugh, junr. |
| Accomack | .. .. | John Watts. |
| Northampton | .. .. | Littleton Robins. |

It being thought very necessary that H.M. Attorney General and Clerk of the Council should have their residences at the City of Williams Burgh, in respect of being in readiness to attend the Council upon all occasions, and this Board considering their salaries so small that none of any quality and capable of performing those offices will be drawn for so small a reward to quit their other habitations, proposed that their yearly salary be 100*l*. sterling each, and that the Hon. Edmd. Jenings do draw up a representation of the case with reasons for the augmentation.

Ordered that Mr. Benja. Harrison put such matters in prosecution as are delayed by the death of Barth. Fowler, late Attorney General; also that he prosecute John Waugh, of Stafford County, Clerk, and Peter Colliver of Northampton County, Clerk, for clandestine marriages in contempt of the laws.

Whereas a Proclamation of Dec. 20, 1699, enforcing and enjoying the due observation of several penal laws and other matters therein contained, hath not had its desired effects, ordered that another proclamation be prepared to reinforce the same.

Several warrants for payments signed.

The matter relating to the apprehending of three condemned pirates, who made their escape to the Eastern shore, referred to a Committee. Payment to be made according to their decision.

On the petition of Hannah Laylor of Northampton County, widow, that her husband being under an extream melancholy most desperately and unfortunately made away with himself, upon which the Coroner seized the estate, which belonged to the said Joseph, for H.M. use, the forfeited estate was remitted to her as an object of the greatest charity.

Petition of Lucy Doran, widow, for allowance for transporting 169 French Refugees over Chickohominy River, referred to a Committee.

Capt. Passenger, having nothing further to offer, was dismissed any further attendance at this time.

H.E. issued the following Commissions of the Peace:—

Accomack County, Southey Littleton.

Northampton County, Littleton Robins.

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Isle of Wight County, John Pill.
 Nansemond County, Richd. Awburn.
 Richmond County, Wm. Tayloe, to be first in Commission.
 Surry County, Saml. Thompson, and Edward Jackman.
 James City County, Benja. Harrison, Hugh Norvell,
 Dionisius Wright, John Gaddice, Henry Soane, junr.

Whereas there is about fifty or sixty acres adjoining to ye Lotts assigned in ye City of Williams Burgh for a house to be built on for ye residence of ye Governor, which land belongs to Henry Tyler, of the County of York, and he proposing to make sale thereof at the rate of 20s. per acre, ordered that it be laid out and surveyed by the surveyor of ye County, and a purchase thereof made to the use abovesaid.

William Wilson, Naval Officer of the lower district of James River, complaining that on May 5, 1700, Robert Bayley, Master of the *Lyon* of Bristol, did go out of this Colony laden with tobacco without clearing or paying duties, and praying that he may be called to answer ye same, it is the opinion of H.E. and Council, that no bond appearing, and Bayley offering to pay ye King's dues and port duties, there is no ground left for prosecution.

H.E. appointed Gawin Corbin to be Col. and Commander in Chief of all ye Militia horse and foot in ye County of Middlesex, and William Tayloe to be Col. and Commander in Chief of ye County of Richmond.

John Taylor praying to be discharged from attending as H.M. Advocate of ye Court of Admiralty, his want of health not permitting, Mr. Benja. Harrison appointed to officiate that place. William Wilson's account, for 39l. 12s. expended on sick men belonging to H.M.S. *Shoreham*, paid.

Whereas it is found by experience that it is of very little use for ye service and defence of this H.M. Colony and Dominion for any to serve on foot, it was recommended to the consideration of the Committee appointed to revise the Laws, whether it is not most for H.M. service that ye Militia should be all horse and dragoons.

H.E. in Council signed several Patents, Probates and Administrations.

Proclamation ordered for a Day of Thanksgiving, June 5, in Williamsburgh, and June 19 in all other parts of the country, for the deliverance from "the late great and raging plague of caterpillars." [*C.O.* 5, 1409. pp. 79-90.]

April 25. **370.** Draught of a Bill for the establishment of Religious Worship in Maryland according to the Church of England, and for the maintenance of Ministers. *Endorsed*, Received from Doctor Bray. April 25, Read May 1, 1701. 37 pp. [*C.O.* 5, 715. No. 36.]

April 25. **371.** William Poppo to Sir Thomas Trevor and Sir John Whitehall. Hawles. The Council of Trade and Plantations have commanded me to minde you of the letter I wrote to you by their order, Dec. 18 last, relating to appeals from Connecticut. [*C.O.* 5, 1289. p. 46.]

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April 28.
Barbados.

372. Governor Grey to the Council of Trade and Plantations. *Repeats substance of letter, April 15. Refers to enclosures. Acknowledges receipt of Commission for trying pirates. Concludes, I have vanity enough to believe that it is not in the power of any man justly to charge me with a breach of my duty. Should any more complaints come before your Lordships I shall beg you will do me the justice to suspend your opinion till I have notice given me and time to answer for myselfe. Signed, R. Grey. P.S.—Your Lordships will please per the next shipping to order some large paper rul'd for to send over the Acts and Minutes. Endorsed, Reed. June 19. Laid before the Board June 25, Read July 2, 1701. 2 $\frac{3}{4}$ pp. Enclosed,*

372. i. Method of Proceedings in the several Courts of Common Pleas in Barbados. March 13, 1700. *Signed, James Colleton, Rich. Elliot, John Maddock, John Hooker, John Holder. Endorsed, Reed. June 19, 1701. 4 pp.*
372. ii. Tho. Sadleir to Gov. Grey. March 14, 1700 (1701). *Signed, Tho. Sadleir. 1 p. Enclosing,*
372. iii. Account of the Method of Proceedings in the Court of Exchequer of Barbados. March 14, 1701. *Signed, Tho. Sadleir. 1 $\frac{1}{4}$ large pp. Same endorsement.*
372. iv. Account of the Method of Proceedings in the Court of Chancery of Barbados. March 11, 1701. *Signed, Wil. Beresford. Same endorsement. 5 $\frac{1}{2}$ pp.*
372. v. Charles Buckworth to Gov. Grey. March 15, 1700 (1701). *$\frac{3}{4}$ p. Enclosing,*
372. vi. Account of the Method of Proceedings in the Admiralty Court of Barbados. *Same endorsement. 1 $\frac{3}{4}$ large pp.*
372. vii. Copy of the Proceedings of the Court of Common Pleas for the precincts of St. James and St. Thomas. *Signed, Wm. Burnet, Aug., 1698–March 31, 1701. Barbados, April 8, 1701. Same endorsement. 109 large, closely-written pp.*
372. viii. Copy of the Proceedings of the Court of Common Pleas for the precincts of St. Andrews and St. Joseph's. July, 1698–April, 1701. *Certified and endorsed as preceding. 69 $\frac{1}{2}$ pp.*
372. ix. Copy of the Proceedings of the Court of Common Pleas for the precincts of St. Peter's, All Saints, and St. Lucies. June, 1697–April, 1701. *Certified and endorsed as preceding. 112 $\frac{1}{2}$ large, closely-written pp.*
372. x. Copy of Proceedings of the Court of Common Pleas for the precincts of Christ Church and St. Phillip's. Aug., 1698–May, 1699. *Certified and endorsed as preceding. 96 large, closely-written pp.*
372. xi. Copy of the proceedings of the Court of Common Pleas for the precincts of Christ Church and St. Phillip's. Aug., 1698–Feb., 1700 (1701). *Certified, Jno. Chase, Cl. Cur. Endorsed as preceding. 65 oblong, closely-written pp.*

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372. xii. Copy of the Proceedings of the Court of Common Pleas for the precincts of St. Michael's. Aug., 1698–March, 1701. *Certified*, Tho. Dodd, Ch. Cur. 103 *oblong, closely-written pp.*
372. xiii. List of causes now depending in Chancery in Barbados, showing how long each has depended. April 11, 1701. *Certified*, Wil. Beresford. Cl. Canc. 8 *pp.*
372. xiv. (1), (2), (3). Account of the Final Decrees made and Injunctions granted and dissolved since Gov. Grey arrived in Barbados till April 11, 1701. *Certified*, Wil. Beresford. Cl. and Regr. Canc. *Endorsed*, Recd. June 19, 1701. *The whole*, 10 *pp.*
372. xv. Minutes of the Orders taken in Chancery, with the Final Decrees and Injunctions dissolved, since Gov. Grey's arrival in Barbados. April 11, 1701. *Certified and endorsed as preceding*. 89½ *pp.* [C.O. 28, 5. Nos. 2, 2.i.–xv.; and (without enclosures) 29, 7. *pp.* 327–331.]

April 28.
Boston.

373. Lieut.-Governor William Stoughton to the Council of Trade and Plantations. *Recapitulates letter of April 10, and insists upon need of warlike stores.* I am fully assured that if the circumstances of this Province were set before your Lordships in a true light, you would agree with me that nothing can be more necessary for the safety of the same than that H.M. be rightly informed thereof, as well with respect to the poverty of his subjects, as their incapacity otherwise to make provision for the defence of his interests. Without the Royal aid we shall not be able to repel the force wherewith we may reasonably expect to be attackt from abroad, more especially when at the same time we shall be sure of being assaulted by the French in our neighbourhood, and the Indians joyned with them, on our Frontiers, which are of very large extent. My illness allows me not to enlarge further. *Signed*, Wm. Stoughton. *Endorsed*, Recd. June 16, Read 25 *ditto*. 3 *pp.* *Annexed*,

373. i. Abstract of preceding. 1 *p.* [C.O. 5, 862. Nos. 49, 49.i.; and 5, 909. *pp.* 428–431.]

April 28.
Boston.

374. Lieut.-Governor Stoughton to Mr. Secretary Vernon. *Recapitulates letter of April 10 and repeats request for warlike stores.* *Signed*, Wm. Stoughton. *Endorsed*, R. June 16, 1701. 2 *pp.* [C.O. 5, 862. No. 50.]

April 28.
Boston.

375. Minutes of Council of the Massachusetts Bay. Arrangements made with Capt. Andrew Belcher, of Boston, merchant, for the supply of stores of war voted by General Assembly, Feb. 12 last. 414*l.* paid to him.

The Lieut.-Governor laid the Commission for trying pirates before the Council. [C.O. 5, 788. *pp.* 45, 46.]

April 28.
Sessions
House,
St. George's,

376. Minutes of Council of Bermuda. The Governor declared Capt. Richard Penniston President of the Council, and with the rest of the Council took the oaths appointed

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and signed the Association. Proclamation ordered confirming all officers in their posts. [*C.O.* 40, 2. *p.* 33.]

April 29.
Whitehall.

377. Council of Trade and Plantations to the Lords Commissioners of the Treasury. There being a Bill depending before the House of Lords for reuniting to the Crown the Government of several Colonies and Plantations in America, and their Lordships having directed that Council be heard at their Bar to-morrow, as well in behalf of H.M. as of the Proprietors concerned, we offer that the Solicitor of the Treasury may be directed to take care of that matter and furnish the necessary charge in assistance to Mr. Randolph, who has orders to follow that matter. *Signed*, Stamford, Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 1289. *pp.* 47, 48.]

April 29.
Whitehall.

378. Council of Trade and Plantations to Governor the Earl of Bellomont. The letters we have received from your Lordship since ours of Feb. 11, are dated Nov. 28 and Jan. 2 and 16, besides some papers, etc., sent to our Secretary. As to the difficulties which your Lordship continues to say there will be in the experiment of making pitch and tar with the soldiers that are now at New Yorke for want of an extraordinary allowance of 4*l.* sterl. per day, we cannot but think we have already sufficiently intimated that, though it be not seasonable at present to propose any such establishment here, yet it is in your Lordship's power to recompense them, as may be necessary, out of the produce of their own labour: or if that also will not help in the first beginning, yet we conceive you may supply that defect and facilitate the work by what the Assembly may give, either for that or for any other service, wherein the soldiers are employed and the Province receives advantage. So that we do not see, but notwithstanding this difficultie, the tryall desired may very well be made. And as to the other objection, which your Lordship sometimes makes, as if nothing at all could be done towards the production of Naval Stores, till the Act for vacating extravagant grants of land be confirmed, and other such-like grants vacated in the same manner, we cannot suppose it of such moment as to hinder an experiment; for whatever be determined about those grants hereafter, there is no fear of danger from cutting down such trees as shall be necessary for H.M. service, so long as they stand revoked. And besides also, trees are so plentiful in that country, that tho' a sufficient number for a tryal should even be purchased on the lands of private persons, the cost of them would not be so considerable as to discourage the attempt, or however what they should cost might be computed; and a judgment then made whether the design, in the manner your Lordship has proposed it, be fit to be engaged in or not. As to that Act, we have several times had it under consideration in order to report our opinion upon it, but we meet with difficulties; and especially the want of exact copies of all the grants thereby vacated is a great obstacle to our determination: for it would be very irregular for us to give any judgment upon the right of

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private persons without examining each of their particular titles. For which reason we desire your Lordship to send us copies of all those grants with what speed you can. And as for the Bills and Petitions, which you say were offered to you for the better enquiring into the titles of land, upon which occasion (as in many others) you complain of the want of a Judge and Attorney General from hence, those gentlemen being now upon their voyage, we hope you will shortly be enabled by their assistance to overcome the difficulties which obstructed your proceedings. And we desire you from time to time to give us an account of the ill practices that you discover, and the mischiefs arising from hence in relation to this whole matter of grants and titles. We have sent extracts of all that you write in these letters, relating to the masts you have provided, to Mr. Secretary Vernon, in order to H.M. pleasure about the payment and the sending for them. It is from the Lords of the Admiralty that you ought to expect directions, but as you write to us also, we do not omit to promote what we understand to be necessary in such methods as are proper for us. We heartily wish those masts, whenever they shall arrive, may answer expectations; but meanwhile must observe that in the comparison you make between their cost and the terms of Mr. Taylor's contract there is a considerable mistake, for his price is for masts of such dimensions delivered here, but yours only of the cost there, which makes a vast difference, and besides also his conditions were to deliver such masts without any the least flaw, and upon very small flaws found in some of them, they have been turned upon his hands, which is a hazard we fear your Lordship cannot be well secured against by any inspection at New Yorke. And for these reasons we again advise you to be very cautious in bargains of this nature, or rather wholly to forbear any such, till you have positive directions. As for masts, timber, etc., to be had in New Hampshire, in order whereunto you conceive the trade to Spain and Portugal ought to be prohibited, having had occasion to lay some matters before the House of Commons, we have offered that amongst other things to their consideration; and as for Mr. Partridge in particular, we refer you to what we writ you, Feb. 11, unto which we shall expect your answer. The appeal that you heard was refused in New Hampshire, has occasioned a petition to His Majesty, which is now under our consideration. We hear nothing yet of that appeal you mention to have been refused in the Massachusetts Bay, but this declining to admit appeals to H.M. in Council is a matter that you ought to watch against in all your governments. It is a humour that prevails so much in Proprieties and Charter Colonies, and the independency they thirst after is now so notorious, that it has been thought fit those considerations, together with other objections against those Colonies, should be laid before the Parliament, and a Bill has thereupon been brought into the House of Lords for resuming the right of Government in those Colonies to the Crown. Your Lordship's proposal for increasing the number of officers in the troops at New York does undoubtedly tend to the making

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those troops more useful upon any occasion, but it would be expensive, and the Parliament having yet given but 300,000*l.* for all services of that nature, the present establishment is calculated on that foot, and cannot therefore now be altered. If the Parliament shall hereafter enable the King to bear a greater charge, we shall be mindful of what you write on that head.

The settling of the Boundaries between New York and the Jerseys is a matter which your Lordship must necessarily first inquire into and give us an account of the pretensions on both sides, and what you conceive to be the state of the case, before we can lay it before the King. We desire you therefore to do so, and we shall afterwards represent what may be necessary. We agree that your residing some considerable time at Albany would be a means to stifle the factions that you apprehend to be there, and to influence our Indians in anything that may be necessary for the security of those frontiers against the French. But when you mention that thought, we know you are sensible at the same time of the more pressing necessity of your presence some times at New Yorke and some times at Boston. And we can give no directions therein but that you reside in one or other place, according to the importancy and urgency of occasions that offer. This difficulty is one of the strongest reasons offered by some New York merchants, why that Government should not be in the hands of the same person who has the Government of the Massachusetts Bay, but we have answered their objections in a report to the House of Commons, by shewing that your Lordship did not remain long absent, but returned to New York in a short time after their petitioning in that manner, and that you have resided there ever since. And as anything else arises that may give a colour to their pursuing the same design, it behooves you to obviate it as much as possible; of which kinde we observe the allowance of your travelling charges from Boston by the Council of New York, tho' the Massachusetts Government ought to bear their share thereof. We do not think the inhabitants of that Colony will be very forward in sending any Petitions or addresses hither to complain of your absence from thence. If they can manage their own affairs without controul, and make use of your absence as a reason to withhold the present, which they could not otherwise well refuse to make you, they will be very easy. But you say that for the obtaining of that present, having no other fixed allowance for that Government, you shall be obliged to return thither in the spring. That will again revive the clamours at New Yorke, but how to remove these difficulties on all sides is no easy matter. We are sensible of the reason your Lordship has to complain of the want of a fixed establishment, and we have therefore represented your case in that respect as was fit for us to do; and are further endeavouring that salaries to Governors may be fixed, to prevent the inconvenience and clamour of presents.

We observe that you write of the hardships the Indians lye under in the Province of the Massachusetts Bay, and of the

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averseness of the General Assembly there to establish such laws as might tend to their relief, but we hope your continued endeavours will in the end dispose them to protect and encourage the Indians in all their just demands. We have considered your observations upon the Trade of those parts under your government, and are well pleased to see your thoughts turned that way. Your Lordship is thereby best able to judge what encouragement is fit to be given to any new undertakings, and in which place each new design may be best promoted. But when all is done, 'tis the success that people may finde in those experiments that can only effectually ingage them to continue in such attempts. If the Narraganset Country be found proper for Mulberry Trees and Silk-worms, it will be very well. Those that have a mind to apply themselves to the production of silk there, may take information for their conduct from what has been done in Carolina, where that project has already been some years on foot. The French you speak of will easily judge, or in a short time finde, whether that country, or New York, or any other place in those parts be proper for the production of wines. The making of salt in New England would undoubtedly be of great use, and it ought more particularly to be encouraged as much as possible. We desire to know what effect has been found of the Act for a priviledge of making salt there. The advantage of a Fishery, wheresoever the seas and coasts are proper for it (as in the Eastern parts of New England) are so very great that it deserves the utmost incouragement, and your Lordship's thoughts can hardly be more usefully employed than in contriving ways to put the people upon it. If you judge that lessening of the Customs on Beaver would help in any good degree to advance that trade, a tryal may be made by taking off those duties at New Yorke (for a change in the Customs here will be difficult), but then also care must be taken that an equivalent be laid there upon something else. We are glad you find the Madagascar Trade and Piracy to be at a stand. We hope the Commissions for trying Pirates lately sent will tend effectually to their extirpation. And the Proclamation of March 6 will also have a good effect. However, a constant watchfulness against piracy and all manner of illegal trade will be always necessary. As to piracy, we enclose H.M. letter to you of the 14th inst.

Upon consideration of what you write to us and also to the Lords of the Treasury, relating to Mr. Weaver's accounts and salary, tho' we can give no directions in those matters, but must refer you to what the Lords of the Treasury shall themselves order thereupon, we enclose the copy of what we ordered our Secretary to write to Mr. Lowndes, which will show you our care so far as is fit for us to intermeddle, and withal our opinion that Mr. Weaver ought not to have any salary till he entered upon the execution of his place. As for your intentions to bring him into the Council of New Yorke in case he stay there, we only observe that his place of Receiver and Collector does not make that necessary. But if you judge him a fit person, we must

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leave it to your discretion till we receive a full account of the reasons for which you put others out, and of their answers to those reasons, together with the particular grounds of your choice of him, and those persons you shall put in, that we may lay the whole matter before H.M. for his confirmation. And to this end, we desire you, as directed by your Instructions, to send us frequently lists of the names and characters of six persons whom you judge best qualified to serve as Counsellors, altering the same from time to time, as you find cause, and accompanying it also with a list of the Counsellors then in place, that so the Council there may be regularly filled up to a competent number, and not left so uncertain as it has been. What you mention to the Lords of the Treasury relating to the prejudice done the Crown by the grants of vast tracts of land in New Yorke, which were made by Col. Fletcher and other Governors, has been upon several occasions not only represented to H.M. but also laid before the Parliament, and shall be further considered and represented as you shall enable us to come to a more determined resolution upon the vacating Act. As to Mr. Allen's Claim to New Hampshire, that is a point of Law which has been formerly under the consideration of two Chief Justices of England, and a report having been made thereon, we cannot meddle in it. But the forementioned appeal, which is desired by him from a late sentence of the Superior Court of New Hampshire, will probably bring that matter again under consideration, and occasion some positive settlement in it. As for Mr. Bass, it was not in our power to hinder those proceedings of his about the *Hester*, but we did all that in us lay to defend His Majesty's right in that cause, tho' the success did not answer expectation. We observe what you write again about Col. Fletcher's accounts, and the expectation which the Commissioners of Accounts there gave you that considerable sums may be got from thence towards the Fortifications. When those accounts come with the vouchers, we hope they will be examined. In the meanwhile, since the Town of New Yorke stands so much in need of being better fortified and that town is in so thriving a condition as to have built themselves such a noble Town House as you call it, they ought also, or at least the Province ought, to take care of their fortifications, which are the main thing necessary for their security. The sending over a skilful surveyor, as you desire, to draw correct maps would undoubtedly be of good use: but it would be chargeable: and till it may be convenient to propose such a charge, the Engineer ought to be put upon doing it, so far as he can; as we have formerly hinted. We have again acquainted Mr. Champantè with what you write about the clearings of the Companies, and must refer you to him for an account of that matter. As to your complaints against Mr. Graham, he may be prosecuted for anything he has done illegally. And now that you will have a Judge and Attorney General as desired from hence, those matters may be considered with them, and your Lordship may then proceed therein as you finde reasonable. We shall consider your answers to the observations we sent

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you upon those Acts of Assembly of New York, whereon we suspended our opinion, and shall in due time represent upon them as shall be fit. Divers complaints having been laid before us of irregularities in the Courts of Chancery in H.M. Plantations, and amongst the rest, that in some places the Governors and Members of Council, who compose those Courts, do sit and act therein without taking any oath to do equal and impartial justice between parties concerned in the causes that shall come before them, we have thought fit hereby to direct you (as we do other Governours) that in case there have been any neglect of this kinde in any of your Governments, you forthwith take care to remedy the same, as your Commission empowers you, by your taking in the first place a proper oath for that purpose, and afterwards administering the like oath to the Members of the Court of Chancery in that Province where you shall be residing at the receipt of this letter, and by your further directing the Lieutenant-Governours of His Majesty's other Provinces under your Government immediately to take the like care. My Lord, your Lordship's most humble servants. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [C.O. 5, 1118. pp. 252-266; and (rough draft) 5, 1079. No. 69.]

April 29. **379.** Order of the House of Lords that William Popple, Secretary to the Committee of Trade and Plantations, do attend on Saturday with such books and papers as are in his custody, and may be useful in order to make out the allegations of the Bill depending in this House, "For reuniting to the Crown the Government of several Plantations and Colonies in America." *Signed*, Math. Johnson, Cler. Parliamentor. *Endorsed*, Reed. April 30, 1701. $\frac{3}{4}$ p. [C.O. 5, 1261. No. 2; and 5, 1289. p. 63.]

April 29. **380.** Minutes of Council and Assembly of New Hampshire. Portsmouth. Vote of the Representatives sent up, that an addition be made to the Act relating to vessels upwards of 12 tuns not belonging to the Province paying powder money, was read.

Vote of the Representatives that, whereas by the foresaid Act all vessels exceeding 12 tuns were obliged to pay one pound of powder or twelve pence per tun, for the better encouragement of trade within this Province, the Treasurer demand noe more than 12*d.* per thousand of every such vessel as carryeth lumber from hence, was read.

A Vote was sent up praying for an adjournment, "whereas the season of the year requires several of this house to be at home about their present necessary occasions for sowing and planting." The Lieut.-Governor summoned the Assembly and adjourned them till May 20. [C.O. 5, 789. p. 11.]

April 29. **381.** Minutes of Council of New York. *Present as on April 1.* A letter being produced from Capt. John Schuyler at Albany, April 21, and read together with the papers inclosed, the Council are of opinion that Capt. Schuyler do pursue the

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instructions received from the late Earl of Bellomont in relation to the Onnagongue Indians, and that he do immediately communicate to this Board all such news he shall receive from the said Indians, or relating to them, that he may receive directions from them, of which the Clerk of the Council is to give him notice.

Ordered that Capt. John Bennet continue his command of Col. Ingoldesby's company at Albany until further order.

Stores ordered for the Barge.

Payment ordered to Col. Abraham Depeyster for money laid out by him for the expedition of Roger Schermerhoorn, etc., this sum to be repaid when the money is sent from England to pay for the procuring of masts for ships.

Warrant ordered for payment of 30*l.* to Cornelia Depeyster on account of the money due to Jean le Chavalier, carpenter, for his work in the Fort. [*C.O.* 5, 1184. *pp.* 517-519.]

April 29. **382.** Journal of Council of Trade and Plantations. Letter to the Treasury signed and delivered to Mr. Randolph.

Several letters from Col. Codrington read. Directions given in order to the further considering of some parts thereof.

Letter to Lord Bellomont signed and ordered to be sent.

Representation relating to presents made to Governors in the Plantations signed.

April 30. Letter from Col. Codrington, Jan. 17, read, and directions given for a Representation to H.M., and for the Secretary to write to Mr. Attorney and Mr. Solicitor General for their answer to certain queries formed upon reading this and the letters read yesterday.

Warrant to Lord Bellomont, March 26, stopping Mr. Weaver's salary, was received from the Treasury and read. Copy kept, and the original transmitted to Lord Bellomont in a letter from this Board.

Petition of John Field, etc., read. Ordered that when the draught of the Maryland Act has been considered by this Board, a copy be given them according to their desire.

Order of Council, April 24, as to Mr. Allen's petition, read.

Order of Council, April 24, upon Mr. Partridge's petition, read. Representation thereupon signed and sent to the Council Board. [*Board of Trade.* Journal, 14. *pp.* 7-11; and 98. Nos. 76, 77.]

April 29. **383.** Council of Trade and Plantations to the King. Upon Whitehall. considering divers complaints relating to matters of Trade and Justice in your Majesties Plantations, we have reason to believe that the Governours receiving presents from the General Assemblies tends to render them precarious and dependent on the people there. Wherefore we humbly offer as expedient that the Governours of all your Majesty's Plantations be forbid the receiving of any presents or gratuities, and that for the better enabling them to support the dignity of the Government, an addition be made to the salaries of some of them, where it may be needful. Signed, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. [*Board of Trade.* Plantations General, 35. *pp.* 454, 455.]

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April 30. Kensington. **384.** Minutes of King in Council. The preceding Representation was read. but nothing ordered thereupon. *Initialed*, E. S. (*Edward Southwell*). *Endorsed*, Recd. Read May 14, 1701. $\frac{1}{2}$ p. [*Board of Trade*. Plantations General, 5. No. 95; and 35. p. 456.]

April 30. Whitehall. **385.** Council of Trade and Plantations to the King. We see no reason why your Majesty may not be graciously pleased to grant William Partridge leave of absence from New Hampshire for some short time. We humbly offer that during his absence and that of Lord Bellomont, the Government will be in the Council of that Province. *Signed*, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 909. pp. 403, 404.]

April 30. Kensington. **386.** Order of King in Council, granting leave to Lieut.-Governor Partridge, upon his petition, to be absent from New Hampshire for some short time for the settling of his affairs in this Kingdom. Mr. Secretary Vernon to prepare a warrant accordingly. *Signed*, Edward Southwell. *Mem.*—Representation from the Lords Commissioners of Trade and Plantations, April 29, upon Presents to the Governors, was this day read, but nothing ordered thereupon. E. S. *Endorsed*, Recd. Read May 14, 1701. 1 p. [*C.O.* 5, 862. No. 51; and 5, 909. p. 406.]

April 30. Whitehall. **387.** Council of Trade and Plantations to Governor the Earl of Bellomont, enclosing Warrant, March 26, to stop Mr. Weaver's salary. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 1118. p. 269; and 5, 1079. No. 70.]

April 30. **388.** John Feild and Theodor Eccleston, etc., to the Council of Trade and Plantations. Praying for a copy of the New Act for the service of Almighty God in Maryland, ordered to be prepared by the Board, and liberty to make their objections, if necessary, before it be transmitted. *Signed*, John Feild, Theodor Eccleston. *Endorsed*, Recd. Read April 30, 1701. $\frac{3}{4}$ p. [*C.O.* 5, 715. No. 35.]

April 30. New York. **389.** William Smith, P. Schuyler and Robert Livingston to the Council of Trade and Plantations. The four Members of H.M. Council who were present in this place, March 5, when H.E. departed this life, have given us to understand that before our arrival they had given your Lordships, by way of Boston, an account thereof, as also that the Lieut.-Governor was absent at the Barbados. Immediately on his Lordship's death, the Gentlemen of the Council then present directed the Clerk of the Council by express to signify the same to us by transmitting to us such Minutes of Council as they had made immediately after my Lord's decease, by which we were required with all expedition to repair to this place. Col. Smith, Eldest of H.M. Council and President thereof, arrived here, March 11, and having mett with the four Members of H.M. Council then in Town, did acquaint them that upon notice given him by their direction,

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he had with all expedition put himself on his journey for this place, and having observ'd by the Minute of Council by them sent him that they allow'd him to be Eldest of H.M. Council, and so consequently by H.M. Letters Patents to the late Earl of Bellomont invested with the powers and preeminences any President had exercised and enjoyed in any H.M. Plantations, and that since this Province never had been under the like circumstances of Government heretofore, that they might quietly proceed in the administration of the Government, he pray'd them to consider how such powers and preeminences had been executed in other H.M. Plantations under the like circumstances, to which they will give no answer, but desir'd him to give them his sense of that matter. He told them he was of opinion that Presidents in other Plantations had been allowed to convene and adjourn H.M. Council when he thought for H.M. service, and, without his presiding, the other Members of H.M. Council could not properly act as a Government; that if it were needful to execute the Legislative power, he believed he ought to have a negative voice, with power of adjourning, proroguing and dissolving the Assembly. On the 13th following he again mett the four Members of Council, who, upon their first sitting down at the Council Board, immediately produced a resolve in writing, which they caus'd to be read, whereby they declared the said Col. Smith hath no more power than any other of H.M. Council; that when the majr. part of the Council thought fitt to meet as a Council and act in the administration of the Government, that they would notify him; that if he refused to come upon such notice, they would act in the administration of the Government without him. The said resolve appeared to him a very odd way of proceeding, upon which he did exhibit a paper containing other reasons, to which also the four Members did give in their answer in writing. From this way of procedure, and other discourse had at that time in Council, the said Smith had reason to suppose that it was expected by them upon publishing that resolve, he would have been disgusted, and so left them, but being earnestly intreated by a considerable number of inhabitants, and believing it for H.M. service, he thought fitt to continue to proceed among them under protestation, that such his concession should not be understood to prejudice the right given him by H.M. Letters Patents aforesaid. Immediately after this the four Members of Council debated with him whether the Assembly, which by prorogation were to sit on April 2, ought to sit at said time. Smith offer'd his opinion that it was very doubtful to him whether the Assembly was not actually dissolved by the Governor's death, they being called by writs under his Test, to consult and advise with the Captain General or Commander in Chief of this Province, and that there was no such person in this Government; that assuming they might properly sit according to the tenure of the writ aforesaid, yet in the method they had resolved to act the administration of the Government, one Branch of the Legislative power, to witt the negative voice, must needs be lost, if all the Council were of

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equall power. To which end he also exhibited his reasons in writing, which were twice read in Council, but refused to be entered in the Council Book. *Refers to Instructions from Council of Trade, Oct. 30, 1700,* "which did plainly prohibit us the exercise of the Legislative power unlesse warranted by the necessity" of the country. Upon which several reasons were offered by the Four Members to justify such a necessity, which Smith could not apprehend to be of that weight and moment as might warrant the passing any Act according to the caution aforesaid. He offer'd the Members then present, that if they would please to reduce their reasons into writeing, he would give clear answers to them, or be concluded by them, which they refus'd to do.

The arguments on this subject were managed with great heat. Smith had good reason to believe that those gentlemen meant to have many things transacted in said Assembly of which they made no mention to him, which he conceives would not have been for H.M. service or the peace and welfare of this Government. And he was the more confirmed in that opinion, that after a long debate, seeing they could not prevaile with him to act with the said Assembly, a Member of the Four then present was pleased to say as an inducement to him to concur with them in that opinion, that he did not know or doubted not, but if Smith would be easy in acting with the Assembly, that they would give him 500*l*. To which he replied that a much greater summe would not tempt him to swerve from the due discharge of his duty to His Majesty and this Province.

Being again mett in Council on the 14th following, the necessity of the Assembly's sitting was again debated by the five Members then present, and being put to the vote it passed in the affirmative but by one voice, immediately after which they had ready prepared several Proclamations ready wrote, requiring the Assembly to meet on the day they were prorogued to by the late Governor, which were offered to him to sign, but he not being of opinion there was any necessity for their sitting, nor that they could regularly or properly act in the method they had put the administration of the Government by their resolve aforesaid, thought he ought not to sign, but it being offered that the Assembly would meet without such Proclamation according to the former prorogation, and not knowing what necessity might happen before that time, and also hoping that before said time the other Members of H.M. Councill then absent would arrive here, and that the matter of their Resolve would in a full Councill be fairly and maturely considered, as also that in the mean time we should be better inform'd how the Legislative power had been exercised in other H.M. Plantations, who had been under the like circumstances, he suffered himself to be concluded by their vote of that day under his former Protestation, and so did sign several Proclamations. All matters before being issued, and Bills of Exchange signed, raising money for subsisting H.M. forces, having three days before given notice to the Council that his having left his family so suddenly upon notice of the Governor's

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death, he thought fit for some few days to return to his family, and pray'd them that if anything they thought for H.M. service fit for him to do before his departure, it might be dispatched in the two days he would yet stay in town.

Two days after his departure, Col. Schuyler and Mr. Livingston arriv'd at this place from Albany, and were the next day by the four Members aforesaid sent for to act in the administration of the Government, but the President being absent, they were of opinion they could not properly act untill he were present, for which reason they sat not in Council untill his return, and then finding that the four Members, for their not appearing, had caused it to be enter'd in a Minute of Council that they had refus'd to act with them in the President's absence, and further alleadging that the sending for them was in order to find means to raise money for the subsisting H.M. forces, they thought themselves obliged to exhibite their reasons in writing why they did not appear at that time. On April 2, eleven of the Representatives met according to Prorogation, but haveing almost every day satt in Council no mention was ever made of anything fitt to be offer'd to the Assembly untill the 8th, and then there wanted the Members of two entire Counties, that at said time being then a full Council, the President did offer to the Board in writing several reasons, relating to the sitting of the Assembly as well as to several other matters of the present administration of the Government, praying they might be fairly considered and discoursed, and also entered in the Council Book, but after being read, the four Members being a majority, refus'd to have them entered. On the 9th inst., being again mett in Council, the four Members did produce a paper signed by them requiring the President to give them answer to diverse heads. He did the next day give answer thereunto, but being at the latter end of the week, the Council as well as the Assembly did adjourn untill the 14th inst., at which time the President did give in his answer in writing, with the approbation and concurrence of Col. Schuyler and Mr. Livingston. Immediately after it was read, four Members produced a paper which they caus'd to be immediately read, and, without ent'ring into any debate, requir'd of us whether wee would concur with them in sending it to the House of Representatives as the sence and opinion of the Government, which for the reasons just before by us given in the paper aforesaid, as well as for that it did contain several unjust reflections on the President, wee utterly rejected, but they immediately, having two copies thereof, left one with the Clerke of the Council and sent the other to the House of Representatives. Our answer we herewith transmit. On the 16th, seven of the Representatives not being satisfied with the method the four Members resolved to act in the administration of the Government, as well as for several other reasons exhibited by five of the then number in writing, left the House. We frequently satt in Council from the 14th to the 19th, yet we never received any message or saw any vote from the Representatives, who on the 19th adjourned to the first Tuesday in June. We are

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informed that a bare majority of said Representatives did in concurrence with the four Members of Council aforesaid vote that the President had given delay to the business of their sitting; and that the Government was invested in a majority of the Council; that they gave thanks to Col. D'Peyster and Mr. Weaver for having advanced money to subsist the two Companies in the Fort for two or three weeks, when indeed they had Bills of Exchange signed by us all, by which they might have rais'd the money if they had pleased, but wee must humbly offer to your Lordships that this was only a pretence of those two gents. to justifie a necessity of the Assembly's sitting, and when the said two gents. acquainted us of their having advanced the money, pretending such money could not bee got upon such Bills of Exchange as had been signed by us, wee immediately procured the money from that time, and shall not faile of procuring so much as will subsist the whole forces, until it pleases God the Lieut.-Governor arrives.

From the proceeding of the four Members, and they are [?—their] so early and earnestly pressing the sitting of the Assembly, wee had great reason to believe they intended to have pass'd several Acts of private consequence to the public disquiet of this Province; that many of those reasons they first offered to the President as a necessity for the Assembly's sitting, they totally omitted in those they gave to the Assembly in writeing, and also added others of which no mention was at first made. We have had great regard to the caution your Lordships gave us, Oct. 30 last, and did believe it very conduceable to H.M. service as well as to the Peace and Wellfare of this Province, that no Acts of Assembly might passe to the prejudice of His Majesty and the General Disquiet of the people, who are exceedingly concerned to find them pursue a method of Government altogether different from what had been practis'd in any other Plantations under the like circumstances. We humbly observe the unhappy circumstances of this poor Province, by the unhappy differences, heats and animosities amongst the inhabitants, and recommend to your Lordships the consideration how very important it would bee as well to H.M. service as the Peace and Wellfare of this Province that your Lordships would so represent the same to His Majesty that due methods may be taken for the healing and composing of those animosities and the uniteing H.M. subjects within the same, for wee are humbly of opinion that these heats and animosities, if a warr should again break out in Europe, it would be of very ill consequence as to the Peace and security of this important and otherwise so flourishing a Province. We also humbly offer that if Mr. Weaver had not been made of H.M. Council some little time before the late Governor's death, the administration of the Government at this time had been managed with great ease and quietnesse, but that, he being a stranger to the country, a person of a turbulent spirit, and very violent in supporting of one party against another, which he has always endeavoured from the time of his first arrival here, [that] he has solely been the cause of all the misunderstandings

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between the gentlemen of the Council since the late Governor's death. In all debates in Council he has solely manag'd the matter, and that with such heat and violence and loud clamour that our debates have been made publick to all that were nere the Council Chamber. We have been most credibly informed that during his abode in the Leeward Islands he gave great disturbance to that Government for which he was committed to prison by the then Governor Codrington, from whence he made his escape to Barbados, and from thence came with the late Governor to this place. During the little time of his being Collector here, he has occasioned great clamours of the Masters and Merchants for strangely delaying them in their dispatch by putting on them hardships impracticable in any other of H.M. Plantations, and gives this for reason the worse he is exclaimed against and complained of by merchants and masters of vessels, the better he shall bee liked by the Commissioners of the Customs in England.

By several vessels lately arrived from the Barbados wee are given to understand the Lieut.-Governor may dayly be expected here, which wee hope will put an end to all these misunderstandings amongst both Council and Assembly. Wee have most studiously endeavoured to keep all in peace, and trust in God the Lieut.-Governor will find all so on his arrival. We have thought it for H.M. service to order H.M.S. *Advice*, Capt. Collwall, to cruise for 21 days between Martin's Vineyard and the Capes of Delaware to seek after such Rovers as may happily bee found, and after that to repair to Boston and there to creen', where is much better conveniency then in this place, after which, he is directed with all expedition to return again to this port. We are sorry wee must observe the great desertion of H.M. forces in this place, especially of those last recruits, since the Earl of Bellomont's decease, which wee cannot attribute to any neglect of the officers, who wee thinke have taken all due care to prevent their desertion, and both wee and they have us'd our utmost endeavours by Proclamation, Hue and Cry and sending their officers in pursuit of them, yet the Provinces contiguous to us being Proprietary Governments, wee fear such desertion is too much encouraged by the inhabitants concealing and employing such deserters, so that we have not been able to retrieve any one of them, and upon enquiry of the officers for what reason they have observ'd any discontent, they give us for answer the smallness of their pay and want of necessary cloathing. The number who have so deserted are neer 40 men. Wee transmit a petition the officers have layd before us relateing to that matter.

Your Lordships will be pleased to observe by the Minute of Council the method wee have taken for raising money for subsisting H.M. forces here, wee humbly pray you will be pleased to direct the Agent in England that our Bills for that use be duly accepted and payd, wee haveing drawn Bills to this time for 600*l.*, and must suddenly be forc't to draw more. We transmit an account of stores of war in H.M. Fort here, according to a survey taken by Col. Romer and the chief officers.

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We are humbly of opinion that there are several other matters contained in such publick letters, etc., as your Lordships have transmitted to the late Governor, but tho' the President hath several times desired in Council that all such publick papers relating to such perticular things of which your Lordships might expect some account from us might be put into his hands to the intent he might draw therefrom the heads of such matters as he should thinke fitt to be layd before your Lordships, that the gentlemen of the Council might consider and consult what might be fitt to be don' therein, which have still been deny'd him, together with H.M. private Instructions to the Governor, so necessarie for our direction, by the four Members of H.M. Council, unless he would in all things concur and be concluded by them.

We thinke it our duty further humbly to represent to your Lordships the ill state of the Jerseys, who by the Proprietors' directions are under the administration of Col. Andrew Hamilton, who when he was formerly in that post did always influence the people to be convinced of their dutys to be assistant to the frontiers at Albany durement the last warr, and was careful of re-mitting deserters from H.M. Companies here, yet by the licentiousness of that people he cannot contain them within the decent and necessary boundaries of Government, by which those Provinces are like to fall into disorder and confusion. We doe therefore humbly offer whether it be not for H.M. service that His Majesty would be pleased to put those Provinces under such regularities that the publick peace may bee restored and H.M. Government of New Yorke may have the assistance of the Magistracy of the Jerseys to remand deserters and fellows that may shelter themselves there, which often happens, and by the convulsion of that people not in Col. Hamilton's power to remedy it.

From the treatment wee have received from the four Members aforesaid, wee may expect to be misrepresented to your Lordships, but wee humbly hope it will clearly appear to you that wee could have no interest or design, but purely H.M. service and the good peace and wellfare of this Province. They have had such prevalency over the Clerk of the Council that they have made such Minutes as they have thought fit, casting all the reflections on us, hoping thereby to render us obnoxious to your Lordships. But we have great reason to hope your Lordships in your great wisdom will discern that wee have in all this affair acted with great modesty and temper, tho' wee have very often by Mr. Weavor been highly provok'd and scurrelously treated. If any misfortune should happen to the Lieut.-Governor (which God forbid) wee have great reason to fear what might be the consequence, and must therefore pray your Lordships will be pleased to give such directions as shall seem meet. *Signed, William Smith, Pr., P. Schuyler, Rt. Livingston. Endorsed, Recd. July. 8, Read 9th ditto, 1701. 10 large, closely-written pp. Enclosed,*

389. i. Abstract of preceding. 3¼ pp.

389. ii. Copy of Minute of Council of New York, March 5, 1700 (1701). 2¼ pp. *Endorsed, Recd. July 8, 1701,*

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389. iii. Copy of Minute of Council of New York, March 13, 1700 (1701). $2\frac{3}{4}$ pp. *Same endorsement.*
389. iv. Col. Smith's reasons delivered into Council, against the Assembly sitting, unless the administration of the Government be vested in him as President. March 14, 1700 (1701). According to the letter of the Council of Trade, Oct. 30, the Government should have devolved upon a President and Council, and even had this been the case, there is nothing of so pressing necessity as to warrant the calling of a General Assembly and passing any Act. But in the method they have now put the administration of the Government, Col. Smith cannot be of opinion they have power to pass any Act at all. If it be understood the Legislative power devolve upon the Council and Representatives of the people by the death of the Governor and absence of the Lieut.-Governor, the power of adjourning, proroguing and dissolving, and a negative voice must devolve upon the first in nomination of H.M. Council, or is lost, and so no laws can be past for want of the third branch of Legislative power, which is the chief and gives birth, being and sanction to our Laws. *Signed, Wm. Smith. Endorsed as preceding.* $2\frac{1}{4}$ pp.
389. v. Minute of Council of New York, March 15, 1700 (1701). *Same endorsement.* 1 p.
389. vi. Minute of Council of New York, March 15, 1700 (1701). *Same endorsement.* $\frac{3}{4}$ p.
389. vii. Reasons of Col. Schuyler and Mr. Livingston for not sitting in Council in the President's absence, read in Council, New York, March 31, 1701. Upon news of the death of Lord Bellomont they immediately repaired to New York, and were given to understand that Col. Smith, Eldest Councillor and President of the Council, was absent, and that his return would be very suddenly. Judging from the clause in Lord Bellomont's Commission (*quoted*), they are of opinion that Col. Smith is President of the Council and ought to act as such, and that without his being present the rest of the Members cannot sit and Act in the administration of the Government, whilst he is alive and within this Province. And whereas Four Members of Council, in his absence, did send the Messenger of the Council that they were met and desired their attendance, the President being absent, whom they always must believe to be *coram unus*, and that no Act of the Government can or ought to be executed without the said President's presiding, they could not apprehend to what end they should sitt, unlesse he was present; that they had not signified to them any particular matter of necessity they intended to treat of. And whereas upon the President's arrival and upon notice given them from him they did meet and sitt in full Council, it was objected

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by some Members of the Council that the sending for them to meet before the President came to town was in order to find out means to raise money for the subsistence of the Forces, they do declare they were ignorant of any such want, they having been told in town that the President before his departure had with the rest of the Members then present signed such Bills of Exchange as would be sufficient. They have always had a great regard to H.M. service, and think it their duty to make it known to this Board, that they are ready to expose their credit and fortunes in conjunction with the President and the rest of the Council for H.M. service in the support of the Forces or whatever else shall appear to be for H.M. service and the peace, good and welfare of this Province, and they do pray that this their Remonstrance may be entred by the Clerk of the Council in the Council Book. *Same endorsement.*
Copy. 3 pp.

389. viii. Copy of Col. Smith's reasons against the Assembly sitting unless the Government be vested in him. Delivered into Council, April 8, 1701. *Recapitulates events as at the beginning of letter. Continues:* Now there is a full Council present, he thinks fit further to offer that Col. Dudley, who some time since acted as President of H.M. Council of the Massachusetts Bay, did enjoy all powers in as full a manner as any Lieut.-Governor could have done. He hath produced to this Board an instrument signed by President Bond late of Barbados, who of his own authority, without any power from the Council, signs himself as President, a public Instrument in writing, *etc.* The Governments of Massachusetts Bay and Pensilvania have directed their letters for this Government to the President and Council. Having asked the gentlemen of the Council what power and preheminencies they did allow him as President, a Member there present was pleased to answer: onely to sit at the upper end of the table. He must suppose himself *quorum unus*, and whilst he is alive and within this Province, the rest of the Members of H.M. Council cannot act in the administration of the Government without him. He conceives that unless the President be allowed to have a distinct power from and beyond the rest of the Council, the Government would be imperfect, for that whensoever the Council were equally divided, the Government as to that matter would cease. Money being wanted to support the Forces, men of business who are best able to supply that want seem unwilling to advance money on the credit of the Government, which they are not satisfied pursues the powers of H.M. Letters Patents, but if the Government were put into a right method, no money should be wanting to that end. Whereas the Representatives are now met, and

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it may be expected that the said Smith should in conjunction with the rest of the Council concur in exercising the Legislative power of this Province, he is humbly of opinion that unless they will allow him to execute and enjoy the powers and preeminences he thinks he is entitled to, he cannot think any Act they can make to be regular. Prays that these his reasons may be entered in the Council Book. *Same endorsement.*
 $3\frac{1}{2}$ pp.

389. ix. Paper signed by Four Members of Council. New York, April 9, 1701. Whereas the House of Representatives are now met, and for these five days passed have been a full House and have dayly sent messages to the Council to acquaint them therewith, and whereas H.M. Council have not yet been able to act with the Assembly for H.M. service by reason that Col. Smith doth give delay by several papers given in by him and by his dayly disputes with the Council, we therefore, the Major part of the Council, desire that he will finally declare himself, whether or no he will at present acquiesce and submit himself to be advised, directed and concluded by the sense, opinion and judgment of the Major part of the Council, in which he can only preside; and also whether or no he will permit the sense, opinion and judgment of the Major part of the Council to be communicated to the House of Representatives as the sense, opinion and judgment of H.M. Government of this Province; that H.M. affairs and the public peace may be no longer disturbed, H.M. Council abused, and the Representatives affronted by these his practices. And this our desire wee do order the Clerk to enter in the Minutes of Council, and to make a record of whatever answer Col. Smith shall now make after so great a delay and loss of time occasioned by him. *Signed, A. D'Peyster, S. Staats, R. Walters, T. Weaver. Same endorsement.* $1\frac{3}{4}$ pp.

389. x. (1) Copy of Minute of Council of New York, April 14, 1701.

x. (2) Col. Smith's answer to preceding Paper. *The greater part recapitulates what has already been stated by him above.* In answer to the demand of the Four Members given above, as to whether he will permit the sense of the major part of the Council to be communicated to the Representatives as the sense of the Government, he answers, that having already declared that he is of opinion that unless it be allowed that the three Branches of the Legislative power be allowed to be distinctly exercised thereunto and according to the practice of other H.M. Provinces in America, which seems to be contradicted by the resolves of the four Members, March 13, he conceives that neither Council nor Assembly can regularly perfect any Act, so that

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consequently that question doth not at present properly require any other answer. Col. Smith thinks himself obliged to observe to this Board as a hardship that the four Members have taken upon them to order and command the Clerk of the Council to enter in the Minutes of Council the paper signed by them the 9th inst., and have positively forbidden him to enter such reasons as have been offered in writing for H.M. service to this Board by Col. Smith, Col. Schuyler and Mr. Livingston, and have not without great uneasiness suffered the same to be read. *Appeals to them maturely to consider the reasons by him offered.* Since there is great probability of the Lieut.-Governor being speedily here, it would be highly conducive to H.M. service and the peace and welfare of this Province, that all matters relating to the Assembly may be deferred for 6 or 8 weeks; that an Assembly may be at any time called upon any emergency, when H.M. service doth so require. As to that great matter of supplying and supporting H.M. forces here and at Albany, wherein is pretended so great difficulty, Col. Smith hath farther informed himself from the men of business, who do assure him they have that great zeal for H.M. service, that if the Government be put in that method that they are given to understand hath been practiced in other Plantations, under the like circumstances, so that they can have hopes that H.M. and the Government at home will approve of the administration here, and that the peace of the Province may be secured, tho' money at present be exceeding scarce, yet that they will be sure to supply weekly such money as shall be necessary for H.M. service, in the support of said Companies, taking bills on the Agent in England upon the credit of the President and other Members of H.M. Council, as has been hitherto done, and that when the Lieut.-Governor shall arrive, they will continue to supply him in the same manner, and that this matter may be putt beyond all question, Smith as President, together with Col. Schuyler and Mr. Livingston, Members of Council, will on such condition be obliged that the said Merchants shall and will supply the wants aforesaid, so that the want of that supply can be no reason for the holding of any Assembly at this juncture of time, nor indeed is he sensible of any other necessity. *Signed, Wm. Smith.*

- x. (3) Paper delivered into Council by Col. Schuyler and Mr. Livingston, expressing concurrence with above. Wee doe further certifie that since our being present in Council that the President hath manifested to this Board his readiness to issue all matters for his Majesty's service, as well as for the peace and welfare of this Province, which came properly before this Board; that he hath been so far from giving delay to anything that

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hath been such, that he, as much wee think as in him lay, avoided all disputes and controversies relating to his powers and preheminences as President, as also in relation to the present Assembly, and has several times prayed that this Board would proceed to determine all such matters before them, that had no relation thereunto. We pray that this our opinion may be entered together with the reasons offer'd by the President. *Signed, P. Schuyler, Rt. Livingston. Same endorsement. The whole 17 $\frac{3}{4}$ pp.*

389. xi. Copy of a Paper signed by Four Members of the Council of New York, relating to the administration of the Government, and by them sent to the Assembly. April 14th, 1701. Whereas the House of Representatives have been a full house met in General Assembly now for the space of twelve days last past, and whereas H.M. Council (in whom the Government of this Province is invested by H.M. Letters Patents) hath not been able to communicate, joyn and act with the Assembly by reason that Col. Smith hath not allowed that the sense, opinion and judgment of H.M. Council or the major part of them should be transmitted to the Assembly as those of H.M. Government of this Province, but hath claimed the sole power of calling H.M. Council and the highest powers of a Captain General, contrary to H.M. Letters Patents and expressly contrary to Col. Smith's concession, recorded in the Council Book, that upon the Council's admittance of his protestation desiring a *salvo te* to what rights and powers belong to him as President, he was contented to preside in Council and be directed and concluded by the major vote of them, and pursuant to the said concession, Col. Smith even against his own vote, by Order of the Council did actually putt his name to the several Proclamations published by the Council requiring the present General Assembly to meet at the day they were prorogued to. That by the said prevarication of the said Col. Smith H.M. affairs may be no longer delayed and neglected to the great hazard of the safety and peace of the Province, and in discharge of our oaths and duty, we the major part of H.M. Council, that no further delay may be given to the pressing necessity of the affairs of this Province, do offer to the consideration of the House of Representatives the extraordinary reasons and necessity of their present meeting. (1) The Fort of Onnondage is to be built, and money already raised by Act of Assembly, and now is the time of year proper to begin it in, but the Earl of Bellomont, being appointed the Chief Manager, it lay in his breast where it should be built, and his death preventing the determination of that point, it is absolutely necessary, if that work goes forwards, that the present Assembly

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do determine the place and method of proceeding in it. (2) The Sachims of the Five Nations have been appointed to be at Albany the latter end of this April, and we believe it absolutely necessary to contrive to continue them in unity with the Crown of England, so that we offer to the Assembly to consult of fitt persons to be appointed to do it, and to give proper instructions for proceeding therein, which is of the greatest consequence to the Province, either if peace should continue or if a war should break out, and which is earnestly recommended to us at this juncture by the last letters from the Government of New England, who are in fear of the Indians falling off. (3) An account being given us by the Agent in England that he constantly receives the subsistence of the forces in pay here, but hath not been able to procure Bills in London to return it constantly, by which means there are no moneys here at present to pay the forces, who are weekly subsisted, nor can the Council at present procure any money on Bills given by the Government on the said Agent, and although some of the Council have procured money on Bills for 300*l.* signed by the Gentlemen of the Council in their private capacities, for which their private estates are lyable, yett they find it very difficult to procure more, so that they had been left unpaid for these three weeks past, if Col. Depeyster and Mr. Weaver had not subsisted them out of their private estates, who are not able to continue to subsist them, unlesse money can again be procured on bills, but it is very improbable soe much can be this way found as to support the forces, till money can be sent from England. It is therefore absolutely necessary that the Assembly should consider of a way to support the said forces, that they may not disperse and leave the garrisons unguarded after H.M. hath been graciously pleased to be at so great a charge to send them hither, besides the great danger by discouraging our Indians to make them fall off, and other dismal consequences. (4) The soldiers in pay of the garrison of New York, although they have received their constant subsistence and have had greater incouragement from the Council than formerly, yett since the Earl of Bellomont's death near forty have deserted out of two Companies, but for what cause and how to be prevented for the future requires the immediate consideration of this present Assembly. (5) The forts at Schenectady and Albany are so decayed that they are not tenable, the bastions being fallen down and the guns dismounted by the defect of their carriages, as likewise the barracks so intirely ruin'd that the souldiers cannot lodge in them, but lyable to the hardship of all weathers, as appears by Capt. Weemes' memorial, ready to be laid before

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the Assembly. This will absolutely require the consideration of this Assembly, and the charge of making them capable of defence will be so great and requires that dispatch, that nothing but an immediate Sessions of the Representatives can procure. (6) Lord Bellomont hath made a most advantageous bargain for masts and other timber for H.M. Navy, which are now preparing ready to be sent for England, but although the Earl made the agreement with the undertakers solely for H.M. use and for no benefit to himself, yet he engaged his own private estate for the payment of the money and gave his bond amounting to about 1,100*l.* to be paid at severall payments, and at this time about 700*l.* is become due. But the said Earle not having left estate here sufficient to answer the same, and without the said payments the undertakers not being able to perform their bargain, which is so beneficial to H.M., and whereas we are informed that a Mast ship may speedily be expected from England hither, according to the desire of Lord Bellomont, which charge will be likewise lost to H.M. if the masts be not provided, we therefore think it absolutely necessary for H.M. service that the Assembly should find out some way that soe noble a design may not fall. (7) Since the administration of the Government is in the present Council, yett the same is soe much disputed, we believe it most absolutely necessary for the peace of the Province that the Representatives now met should, together with H.M. Council make a publick declaration, whereby H.M. subjects of this Province may be rightly informed and commanded to obedience to those to whom H.M. hath intrusted the administration. *Signed, A. D'Peyster, S. Staats, R. Walters, T. Weaver. Same endorsement. 7 pp.*

389. xii. Col. Smith's Reply to preceding. New York, April 18, 1701. As to *Art.* (1), he believes it is highly reasonable that no resolution be taken therein until the arrival of the Lieut.-Governor or that H.M. pleasure be further known, for that it is a matter of great consequence; that the manner of building the said fort his Lordship designed to have been of sod-work, and Col. Romer, who has lately been in that country, gives an account that no sods fit for such fortification are to be found within 200 miles of Onnondage Country. The Indians of the Five Nations are not yet agreed upon the place where the said fortification is to be erected. Col. Romer believes it must be made of brick, stone and lime; the place according to such description as has been given him by others he believes to be a neck of land, which puts down between two rivers who discharge themselves in the Lake of Cadarachqui, but that the said Engineer had never been upon the place,

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and so could not be senceible whether any stone fit for building or burning into lyme, or clay fit to make bricks were there to be found. By the remoteness of the place, which he is informed is 270 miles from Albany, he is of opinion that supposing such materials is (*sic*) neer that place to be found, yet the expense of such a fortification will greatly exceed any computation that has been made. As to *Art.* (2), Col. Schuyler and Mr. Livingston are of opinion that no Sachims will come unless they are sent for by this Government, and since the matter chiefly proposed to be treated of with them is the time and place of building the fort, he thinks a Messenger ought to be sent (as he has already proposed in Council) to acquaint them that the Lieut.-Governor is daily expected in this Province, upon whose arrival a messenger shall bee sent to acquaint them what time he will be pleased to meet them at Albany. *Art.* (3). 600*l.* sterl. has been already raised on Bills of Exchange signed by himself and the other Members of Council on their perticular credit as private persons, and so soon as he and Col. Schuyler and Mr. Livingston was acquainted with the difficulty pretended in procuring money on such bills, they themselves immediately took care to supply that defect, and have procured such money as has been wanting since, and are ready to procure so much more as will be sufficient for that service, until it please God the Lieut.-Governor do arrive here. As to the Soldiers' desertion, he cannot see what remedy can be hoped for from anything the Assembly can do. He cannot learn anything that makes them uneasie, but that their pay is less here then in England, and that victuals and cloaths are here much dearer, the latter of which these last recruits are in great want of, altho' the late Governor was pleased to spare some cloaths sent out of England for the old men to supply the necessities of those new comers. *Repeats gist of Lord Bellomont's past correspondence upon the subject of the Forts necessary to be erected at Albany and Schenectady.* It can never be hoped that so great a charge can ever be supported by this Province, and unless a warr should break out between England and France, he cannot see any necessity for repairing these shattered fortifications, which will be with very great expence and to very little purpose, unless they could effectually be don' as has been proposed. As to the 7th *Article*, relating to Lord Bellomont's bargain for masts, Col. Smith has never seen any such contract, nor is he sensible of the perticular condition thereof. He is informed such masts as have been by the undertakers gott down to the River do not hold out the dimentions as were agreed for ; that they had omitted in the spring when the River was high to float them down so neer

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to the Falls as to have experimented whether it were practicable to float them down those cataracts; that where they now are it will be impossible to convey them by land to this side of the Falls, it being a great distance, and the way such as will not admit of their being brought by land carriage. He is very much of opinion that such an undertaking ought to have all the countenance and encouragement this Government can give it, but that it ought well to be consider'd whether the masts be according to agreement, as also whether it be possible to transport them from whence they now are. But since the Lieut.-Governor is so suddenly expected, he is of opinion that matter ought to rest, until it please God he arrives. *Quotes case of the Jamaica Assembly under the presidentship of Sir Francis Watson.* He can see no necessity at present of the sitting of Assembly. *Signed, Wm. Smith, President. Same endorsement. 5½ pp.*

389. xiii. Reasons of Five of the Representatives against the proceedings of Council. New York, April 16, 1701. We declare our opinion that by reason of ye death of ye Earl of B., to whose assistance we were chosen and returned, ye Assembly is of course dissolved, and that justly and regularly without a new call and choice by some person commissioned by His Majesty for that purpose, a Sessions of Assembly cannot be held. There appears no absolute necessity to force an unwarrantable proceeding in regards the present support of H.M. forces, for which is alleadged as the most pressing and urgent cause, is referred to be supplied by several of the merchants in town, upon the President's giving his bills on the Agent in England for any money, they will advance it. The Lieut.-Governor will in all probability in a few days return, when a new Assembly may be called. Until we can be made sensible that either we are lawfully called to join in a Sessions of Assembly, or that there is that eminent danger or necessity impending on the country, which we may justifie such our actions, we offer these for our reasons of not joining to impose any new law upon ye Province. *Signed, Mathew Howell, Danl. Whitehead, R. V. Renslaer, Henry Peirson, John Jackson. Same endorsement. 2½ pp.*
389. xiv. Petition of the Commission Officers of H.M. four foot companies of soldiers in New York in behalf of the said Companies, to the Council of New York. It is the custom of all Nations in Europe to proportionate the pay of their infantry to the hire and wages of a labouring man. The companies here are established upon the fund sterling raised in England, but are paid in New York money, which is 30 to 36 per cent. worse then sterling. The necessity of life, clothing and victuals are upwards of a cent. dearer than in

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England. The tradesman and labouring man in this Province have from 2s. 3d. to 5s. per day. The common soldiers are thereby induced to desert, and the officers are obliged to live amongst the inhabitants inferior to their quality and honour of their stations. They pray that their case may be represented to the Council of Trade and Plantations to be laid before the King. *Signed*, P. Mathews, Joh. Riggs, Ch. Ashfeild, Ch. Oliver, Guyn, James Weemes, J. Bennett, M. Shanke, Henry Hollan, Rich. Brewer, J. Buckley. *Same endorsement.* 1 large p.

389. xv. Copy of Minute of Council of New York, March 13, 1700 (1701). *Same endorsement.* 1½ p.

389. xvi. Account of Stores in Fort William Henry, New York. *Signed*, Wolfgang Willm. Romar, Peter Matthews, John Riggs, Charles Atfeild. *Same endorsement.* 7 pp. [C.O. 5, 1046. Nos. 12, 12 i.-xvi.; and (without enclosures) 5, 1118. pp. 307-329.]

April 30.
Whitehall.

390. William Popple to Sir Thomas Trevor and Sir John Hawles. The Council of Trade and Plantations having received information from Col. Codrington that Capt. James Norton, Lieut.-Governor of the English part of St. Christopher's, has been notoriously guilty of breaches of the Acts of Trade, for which, according to the Act for preventing frauds, he is to be removed from that Government and to forfeit 1,000l., desire your opinion where and how he may be best convicted and how that forfeiture is to be applied. And whereas they have been also informed that a certain ship has been seized in the Leeward Islands, upon pretence that the Master is not an Englishman, but only a Frenchman endenized, upon which some doubts have arisen, they further desire your answers to the following queries. (1) Whether an endenized foreigner, being Master of a ship trading to the Plantations, is to be accounted English within the meaning of the Acts of Trade and Navigation. (2) Whether the mariners of such ship, being foreigners endenized, are to be accounted English within the meaning of the said Acts. (3) Whether a Scotchman, who has no family nor residence in England, is to be accounted English within the meaning of the Acts? [C.O. 153, 7. pp. 166, 167.]

May 1.
Dartmouth.

391. Report of Robert Holdsworth, Admiral of St. John's in Newfoundland the last year. Lists of ships, and freights, and Planters. *Addressed*, to H.M. most honourable Privy Cunsull. Whitehall. *Signed*, Robt. Holdsworth. *Endorsed*, Recd. from Mr. Povey, May 13, Read 16th do., 1701. 1 large p. *Postmark*, $\frac{ma.}{6}$. [C.O. 194, 2. No. 39.]

May 1.

392. Journal of Council of Trade and Plantations. Upon intimation that several private persons have received letters from New York signifying that the Earl of Bellomont died there March 5, their Lordships gave directions for preparing a letter to Capt. Nanfan, Lieut.-Governor, and Mr. Champante attending

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upon that occasion, the letter mentioned in yesterday's Minutes was delivered to him, to be sent forward, and he was desired to continue his care in the business of the Province as formerly.

An account being brought to the Board from Mr. Joddrel for the copies of several Bills lying before the House of Commons at different times, amounting to 3*l.* 1*s.* 2*d.*, ordered that the same be paid.

Their Lordships now considered the Maryland Act for Religion, and ordered a copy to be given to Mr. Field and Mr. Eccleston, that they may make such observations thereon as they think fit, and lay the same before the Board on Tuesday next.

Mr. Lawton (on behalf of Mr. Penn) desired copies of two Acts of Assembly of Pennsylvania, Feb. ¹⁶⁹⁹/₁₇₀₀, against Pirates and for preventing frauds, which was accordingly granted.

May 2.

Mr. Lawton further desiring that the Instructions given to Mr. Penn upon his going to Pennsylvania for reforming abuses in that Colony, with the answers that have been returned thereunto, may be communicated to him, the letter from the Board to Mr. Penn, Sept. 12, 1699, and Mr. Penn's answers, Feb. 27, 1699, and April 28, 1700, were shown him, and he took extracts of some parts thereof.

Draught of a Representation upon Col. Codrington's letters, concerning the Lieut.-Governor of St. Christopher's, and of Mountserat, was agreed upon.

Progress made in considering the Acts past in a General Assembly of the Massachusetts Bay, May 29, 1700.

Letter from Lord Bellomont, Feb. 24, read, and the papers therein laid before the Board. Directions were thereupon given for making some addition to the letter intended to be writ to Captain Nanfan. [*Board of Trade. Journal, 14. pp. 12-16; and 98. Nos. 78, 79.*]

May 2.
St. George's.

393. Minutes of Council of Bermuda. Members of Council sworn. Charles Minors sworn Deputy Secretary. Capt. Edward Jones took the oaths appointed and the oath of Provost Marshall General and Secretary General. Capt. Richard Stafford was nominated Chief Justice. Ordered that Col. Day give security in the case of the *Dolphin* in accordance with the Order in Council.

Ordered the Governor's House and Boat be completely repaired at the public charge. [*C.O. 40, 2. pp. 33, 34.*]

May 2.
Boston.

394. Minutes of Council of the Massachusetts Bay. Advised that H.M. Castle on Castle Island be enforced with 40 stout-bodied able souldiers, that the constant garrison there may consist of 60 private sentinels; and that 200 soldiers more be forthwith enlisted out of the near Regiments of Militia to be divided into squadrons and assigned to the several fortifications on the said Island, and to repair down thither upon an alarm or when other occasion shall require, and from time to time to be exercised in managing of the great artillery, and to be excused from all military exercises in the places whereto they belong and from being impressed for any other service.

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Advised that the Lieut.-Governor appoint a new Captain to command the Castle, the present Captain being grown aged and incapable.

Advised that the *Province* galley be repaired and that John Phillips, Penn Townsend, Nathan Byfield and John Nelson be appointed as Commissioners from this Government to take a voyage in the said galley to Cascobay, there to meet with and discourse the Eastern Indians and to endeavour to hold them steady to H.M. interests ; that the value of 100*l.* be sent by them for presents to the Indians in such things as they shall think most suitable, whereabout they are to consult and lay a memorial before the Board. Also that an express be sent to Capt. Wormal, Commander of H.M. Fort at Cascobay, to advise him of the coming of said Commissioners by the 19th or 20th of this month, and directing him to give notice thereof to the Indians.

Committee appointed for purchase of 100 barrels of powder voted by the General Assembly of Feb. 12. [*C.O.* 5, 788. *pp.* 47, 48.]

May 2. 395. Minutes of Council of New York. *Present as April 1, but Col. Schuyler absent.* Payment for necessaries for the fort at Albany ordered.

John Perry, carpenter, paid for work done in the Fort.

Letter from Capt. John Schuyler, April 24, relating to the Onagougue Indians, read.

Ordered that the Clerk prepare four sets of blank bills of exchange for 100*l.* sterl. each drawn on John Champante, Agent to H.M. forces at New York, with letters of advice for the same. [*C.O.* 5, 1184. *pp.* 519, 520.]

May 3.
Board of
Ordinance.

396. Board of Ordnance to the Council of Trade and Plantations. Mr. Popple's Letter to Mr. Pulteney, of the 24th past, having been laid before my Lord Romney and the Board, we have for this time given directions for delivering 19 flock-beds furnished and 38 pair of sheets for the 37 additional soldiers ordered for Newfoundland (kettles, platters and cann's being never provided by this Office) but the same being contrary to our methods and Instructions, we desire your Lordships will please for the future, as anything of that nature happens, to lay it before H.M. in Council for directions to be given therein, because we cannot strictly justify ye following any orders from your Lordships. *Signed*, C. Musgrave, J. Pulteney, Wm. Boulter, Jon. Charlton. *Endorsed*, Recd. 4th. Read 15th May, 1701. *Addressed.* 1 *p.* [*C.O.* 194, 2. No. 41 ; and 195, 2. *p.* 443.]

May 3.
die Sabbath.

397. Order of the House of Lords that any papers that lie before the Commissioners of Trade, the Customs and the Admiralty, relating to any complaint against the Governors of any of the Plantations or Colonies in America, shall be laid before this House, so soon as conveniently they can. *Signed*, Math. Johnson, Cler. Parlim. *Endorsed*, Recd. Read May 5, 1701. $\frac{1}{2}$ *p.* [*C.O.* 5, 1261. No. 3 ; and 5, 1289. *p.* 64.]

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May 3.

398. Minutes of Council in Assembly of Barbados. H.M. Commission for trying Pirates read. Ordered that it be recorded and that H.M. Attorney and Solicitor General attend this Board on the 6th in order to the speedy trial of those pirates as surrendered themselves to Capt. Warren, Commander of the *Vine* pinck, and were by him brought hither. [C.O. 31, 6. p. 410.]

May 5.

399. Minutes of Council of New York. *Present as May 2.* Ordered that the Blank Bills of Exchange drawn May 2, being signed this day by the Gentlemen of the Council, be left in the hands of Col. Abraham Depeyster, and when he receives the money viz., 133*l.* for each bill of 100*l.* sterl., he fill up the said blanks and keep an account of the money paid to the soldiers for their subsistance.

Ordered that the Collector do farm the Excise of this Province in the best manner he can for H.M. service for the year ensuing from May 18.

44*l.* 16*s.* paid to Mathew Clarkson out of the Revenue for engrossing of 68 skins of parchment, being four setts of the Acts of Assembly passed since the arrival of his late Excellency to the Government, as also for providing of parchment.

35*l.* paid to Barne Cosens for himself and others, for making copies of proclamations, Acts of Assembly and other publick papers to dispatch in the several counties of this Government, there being no printer now employed to do the same.

May 6.

Present, Abr. Depeyster, presiding, S. Staats, Robt. Walters, Tho. Weaver. Letter from Col. Andrew Hamilton, Governor of the Jerseys, in answer to the letter about deserters, and about several other matters relating to the government of the Jerseys, read. But the matters contained being of great importance, and there not being a full Board, and the Lieut.-Governor being dayly expected, this Board think fitt to do nothing in relation thereto until his arrival, or a full Board.

Payment ordered to Anthony Rogers, Chyrurgion, for rent for the hospital for sick soldiers.

Storekeeper ordered to supply various warlike stores.

The Court of Sessions of the Peace for New York sitting this day, and there being no Attorney in this Government employed to prosecute the persons there presented and indicted as criminals, ordered that the Clerk of the Council perform the said services, for which he shall be allowed the usual fees. [C.O. 5, 1184. pp. 520-524.]

May 5.
New Yorke.

400. Col. Smith, P. Schuÿler and Robert Livingston to the Council of Trade and Plantations. We have on the 30th last humbly layd before your Lordships what had of moment occur'd in this Government, since which wee have with some difficulty obtained a copy of what was transacted by the late Representatives met according to prorogation April 2, haveing never before seen any of the least thing in writing from them. Your Lordships will please to observe that the last thing recommended by the

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four Gentlemen of H.M. Council, who signed and sent them what they thought proper for their consideration, was first treated off by the Representatives and was, wee have reason to believe, the weightiest cause for the calling them together at that time. They applyed themselves only to Mr. Weaver for such papers that might be necessary for their information in that matter, who also sent them H.M. Letters Patents with their explanation and resolution thereon, and no other paper of those many that had been given in, and after a very little debate, by a bare majoritie of their House, were pleased to make a vote agreeable to what those 4 Gentlemen had represented to them, and so, after 17 days sitting to no other purpose, having notice from Barbados of the Lieut.-Governor's intentions suddenly to return hither, they were pleased to take the advice wee had often given the Gentlemen of the Council of deferring all things relating to the Assembly until the Lieut.-Governor arrives. You will observe the care they have taken to cast reflections on us, hoping it might render us disagreeable to your Lordships and the people of this Province, and a vote given in favour of a majority of H.M. Council, consonant to what themselves had before determined, has so exalted them that being met in Council on the 2nd inst., after having issued all matters before us, the Clerk of the Council did acquaint the Gentlemen that there were some Minutes of Council unperfected, and peticularly one vote relating to the time and place of holding the Council, which the President alleadged was not entered as he had put it to the vote, that what he had put to the vote was only whether it was necessary for H.M. service that the Council should sitt once a week, as has been usual, to hear and determine all publick matters before them, or whether twice a week as was desired by some Gentlemen of the Council, and by a majority it was concluded they should sitt twice a weeke, to wit, Tuesdays and Fridays, but as to the matter of place where they should sit, had not been put to the vote by him, tho' the major part of the Council then present were of opinion the Fort was the properest place, which he, the President, was very easy in, upon which Mr. Weaver in a great rage and passion did say it was a vote, and should be a vote, whether the President would or not, and that if the rest of the four Members were of his mind, the President with the rest of the Council that would not submit to be concluded by a majority should bee laid fast in irons or chains, for that it was rebellion or next to rebellion, and many other scurrelous, violent and unreasonable menaces and threatening. Wee must indeed do the other gentlemen there present that right to say wee thinke they were ashamed of it. As to what they observed to the Representatives concerning the President's absence, your Lordships will understand he had then been in town three weeks, that diverse days before he did acquaint the Gentlemen in Council of his intentions to pass Easter week with his family, that before he went he had given despatch to all matters necessary for H.M. service in his absence, that Mr. Weaver and some others did indeed say that he ought not to go until the Assembly broke

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up, but having been there so long, and not seen anything from them, and besides having offer'd his reasons why he could not concur in doing anything with them, he could not see there was any necessity for his staying, especially when the four Gentlemen of the Council, notwithstanding all hee or wee could object, were resolved to act in the administration of the Government without him, and the majority of the Representatives having made a vote agreeable thereunto. Your Lordships will also observe how willing they have been to reflect on Col. Schuyler and Mr. Livingston with relation to accounts of Publick moneys by them many years since disbursed and receiv'd for the service of the Crown, which accounts, together with all vouchers thereunto belonging have been duly audited, examined and paid, and so delivered up to the respective Governors in Council and lodged with the Clarke thereof, and so having been, as they suppose, finally concluded and discharged, it will be hardly possible for them to produce copies of all their accounts for 16 or 17 years past. For the further support of H.M. Forces wee have three days ago signed bills of exchange (all the Members of Council being then present) for 400*l.* sterling, which wee must humbly pray you to direct the Agent may be duly accepted. *Signed*, Wm. Smith, Pr., P. Schuyler, Rt. Livingston. *Endorsed*, Recd. July 8, Read July 9, 1701. 3 *pp.* *Enclosed*,

400. i. Abstract of preceding. 1 *p.*

400. ii. Memorandum of proceedings of House of Representatives of New York, April 2–April 19, 1701. $\frac{1}{2}$ *p.*

400. iii. Minutes of Council of New York, April 19, 1701. *Endorsed*, Recd. July 8, 1701. $1\frac{1}{2}$ *pp.* [*C.O.* 5, 1046. Nos. 13, 13 i.-iii.; and (without enclosure) 5, 1118. *pp.* 329–334.]

May 5.
St.
Christopher's.

401. Governor Codrington to the Council of Trade and Plantations. I am putting this Island into as good a condition of defence as I can without men, arms or ammunition. Upon ye first noise of a war our People were sending off their effects and would soon have quitted themselves, if I had not assured them I would come down myself and bring all ye assistance my credit or authority coud possibly procure from ye other Islands. Upon the best intelligence I have received, I cannot find but I have as many men as ye French, but they are much better provided. For at least 50 of my men want arms and three times as many are scarce fit for service. The Islands of this Government are ill provided themselves, and all we could possibly purchase from Barbados came to but 48. There was not one single pound of powder in ye whole Island, the little there had been having been fired by Col. Norton, when he and his Council and Assembly after falling out got drunk together and grew friends again. I procured 20 barrels from Antigua and 10 from Nevis, and I have sent up to Barbados for some. There is one gunsmith at Nevis, who is fixing up our arms as fast as he can, so that in a fortnight more I hope to be in tolerable order. My greatest difficulty is that I have noebody to give me the least assistance but

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Col. Hamilton of Nevis, who is a very good officer, has served long abroad, and is extreemly zealous in ye King's service. I might safely trust him with the command here, but he is unqualified, being born in Germany of Scotch parents, for which reason I could not put him into ye Council of Nevis, tho' named by your Lordships. The French are extreemly well armed and well officered. They have arms for three companys of lusty negroes, which they have listed and are disciplining. Besides these advantages, the arbitrary power of the French is of great use to them upon such occasions. M. de Gennes has drawn all ye inhabitants as well as soldiers into one small quarter about Basse Terre, which he has doubly intrencht from the seaside to ye mountains. He does me the honour to have a good opinion of me, and if I have ye first news of ye war, I'll endeavour to deserve [it] of him. The first blow must be struck here, and the Island must belong to one or the other nation. If the French have ye first news 'tis not unlikely but they'l have ye advantage, for ye English are divided into two quarters, and are sixteen and twenty miles distant from each other. So yt. 'tis very easy for ye French in a body to overrun them and burn all their Plantations one after another, as they did in ye two former wars; nor is it in my power to prevent this, for I have no authority to make them quit their Plantations on the Windward side, and gather into one quarter, nor can I persuade them to it, but as soon as the colours are flying and Martial Law begins, I shall make them know both their interest and their duty. I'm sure if your Lordships knew all the folly and knavery I have to struggle with, especially in relation to the Acts of Trade, you would pity me. The disorder in our Trade is so great, that I almost despair of doing any good in it, there is so much ignorance, laziness or corruption in Naval and Customhouse officers, and so general a conspiracy in people of all ranks and qualities here to elude the Acts of Trade, yt. I have ye mortification of knowing a hundred things are done every day, which I cannot possibly prevent, prejudicial to the trade and interest of England. If a war comes on, this part of my duty will be suspended, for some time at least, in a great measure; ye Commerce with the French Islands will be wholly laid aside, and that with Currisau and St. Thomas's will be managed with a great deal of caution, but at present 'tis little les than an open trade. I would send home the Attorney General, Mr. Brunsell, to give you a full account of several things of this nature, which deserve not only your Lordships' care, but which I believe will require a new Act of Trade, but ye misfortunes which brought him out with me will keep him here, and he is the only man in all these Islands, whom I dare trust with my thoughts on this subject. 'Tis impossible for me to set everything so clearly before your Lordships as I could if I were with you but for two days, and therefore, if you will send me leave to come home, I give my word I will not stay two moneths in England. Your Lordships may think this an improper request made so early; if so, I submit. I have noe business of my own to oblige me to take ye voyage. If there be a war, nothing shall

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ingage me to quit my post, though it should last many years longer than I intended to stay here. I shall doe myself ye honour to write more fully to your Lordships within a week by a vessel yt. goes from hence, for this goes by a Nevis ship, wch. lyes of ye harbour and does not come to an anchor, which has made me write perhaps with too much haste and carelessness. *Signed*, Chr. Codrington. *Endorsed*, Recd. 20th, Read 25th June, 1701. *Holograph. Addressed and sealed. 8 pp. Annexed*,

401. i. Abstract of preceding. 1 $\frac{3}{4}$ pp. [C.O. 152, 4. Nos. 21, 21.i.; and 153, 7. pp. 192-196.]

[? May 5.] 402. Petition of Edmond Jennings, of York River in Virginia, to the King. Petitioner has served the Crown in Virginia many years and in divers stations of trust, and is now second in the Council. Has always acted as Deputy to Col. Wormley. Secretary, who is now dead. Prays to be appointed Secretary. *Subscribed*, H.M. refers this petition to the consideration of the Council of Trade and Plantations. *Signed*, Ja. Vernon. Whitehall, May 5, 1701. *Endorsed*, Recd. Read May 7, 1701. *The whole, 1 p.* [C.O. 5, 1312. No. 9; and 5, 1360. pp. 78, 79.]

May 5.
Boston.

403. Minutes of Council of the Massachusetts Bay. The Lieut.-Governor laid before the Board H.M. Orders in Council, Oct. 22, 1700, confirming and repealing some of the Acts of the Province, together with a Representation of the Board of Trade thereupon.

The sum proposed to be spent upon presents for the Indians, May 2, enlarged to 150*l*.

David Bassett, intended on a voyage for the River of St. John's, and two Frenchmen lately come from Penobscott being sent for, attended accordingly, and were ordered not to proceed on their voyages to those parts without licence from the Lieut.-Governor. [C.O. 5, 788. pp. 48, 49.]

May 5.

404. Journal of Council of Trade and Plantations. Farther directions given for additions to the letter to Capt. Nanfan.

Letter from the vestrymen of Christ Church in Philadelphia, Jan. 28, read.

Letter from Mr. Penn, March 6th, read.

Order from the House of Lords, May 3, directing the Board to lay before that House any papers that lye here relating to any complaints against the Governor of any of the Plantations so soon as can be conveniently, was read, and some directions given for preparing what was required.

May 6.

Mr. Nicholas Hallam desiring a copy of the letter writ to Mr. Attorney and Mr. Solicitor General, Dec. 18, and of the papers therein enclosed, and that the same may now be directed to both or either of them, ordered accordingly.

Letter to the Treasury signed and sent.

Representation upon Col. Codrington's late letters signed.

Letter from Col. Blakiston, Jan. 20, read. Directions given

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for preparing a representation for supplying three vacancies in Council of Maryland.

A scheme of the judicial proceedings both civil and criminal, in the several Courts in Maryland, inclosed in above letter, was laid before the Board.

Mr. Randolph representing the want of authentick copies of the two Acts of Pennsylvania, against Pirates and for preventing frauds, to be laid before the House of Lords, ordered that Mr. Solicitor General be desired to deliver to him for that use those Acts, which were sent to him July 26th.

Mr. Haistwell, Mr. Field and Mr. Wyeth presented a paper of objections against the Maryland Act about Religion now under consideration, which was read.

Mr. Clayton, a Member of Parliament for Liverpool, complaining to the Board of some trouble given to a vessel of his at Nevis, upon account of the Master's being a French man endenized, he thought fit, after some little discourse to apply himself first to the Commissioners of the Customs and afterwards to return hither for anything more that he should find necessary for redress in that matter.

May 7. Letter from Mr. Secretary Vernon, May 5, referring the petition of Mr. Jennings, read.

Mr. Thurston presented a Memorial, which was read and a letter writ thereon to the Treasury and delivered to him.

Letter to Capt. Nanfan signed and ordered to be sent.

The Secretary laid before the Board several lists of papers in this office relating to complaints against the Proprietary Governments. Ordered that Mr. Randolph, together with Mr. Serjeant Darnel and Mr. Mountague, Counsel for the King upon the Bill depending before the House of Lords for reuniting the Proprietary Governments to the Crown, have notice to attend this Board to-morrow morning about that matter.

Representation about Members of Council for Maryland signed.

Some alterations having been made amongst the officers in the service of this Board, some memorandums relating to the present state of those places were laid before the Board and ordered to be entered. [*Board of Trade. Journal, 14. pp. 16-22; and 98. Nos. 80-82.*]

May 6.
Whitehall.

405. Council of Trade and Plantations to the King. In pursuance of an Order of their Excellencies the late Lords Justices, directions having been given to Governor Codrington to enquire into the complaints against Lieut.-Governor Norton, we have lately received an account from Governor Codrington of his proceedings, and he having (as we conceive with great reason) suspended Norton from being Lieut.-Governor till your Majesty's pleasure be further known, we humbly offer that he may be removed and some other person appointed to supply that place. And whereas we have been further informed by Col. Codrington that Capt. Thomas Delaval, Lieut.-Governor of Mountserrat, is lately dead, and that upon the request of your Majesty's Council in that Island, he intended, in pursuance of his Commission, to grant

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unto Col. Anthony Hodges, a Member of that Council (of good reputation and estate in the Island, and who has been active in your Majesty's service in those parts), a Commission to be Lieut.-Governor of the said Island, we humbly represent that in case your Majesty shall think fit to appoint an inhabitant of that Island to be Lieut.-Governor thereof, the said Hodges may be proper for that employment. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 153, 7. *pp.* 167, 168.]

May 6.

406. John Feild, etc., to the Council of Trade and Plantations. We take leave humbly to acquaint you on behalf of our Friends in Maryland, that they esteem themselves under hard usage that a Law contrary to their fundamental settlement and the ancient Law of that Province should be prepared here, and sent over there, to raise and levy money upon them and seize their goods, for they do not understand that it's customary here for the King to be advised to prepare Bills for money and give directions to have them passed into Acts. Besides, they humbly conceive it may be and is a great injury to ye King's subjects in his Plantations to have Laws executed upon them there for several years, which the King and his Council here have not thought meet to allow, because not agreeable to the Laws here, yet his subjects there have greatly suffered by such Laws never allowed here. These things, with their being deprived of that liberty with security to their property, which they have enjoyed in three Kings' reigns, that they should now be deprived of or have infringed, is surprizing and afflicting *etc.*, and that now they should be deprived of that little honey they have gott to live on for the maintenance of such that never laboured for it, but would be maintained by the fruits of others' industry. We therefore intreat on our friends' behalf that nothing may be done contrary to their antient Establishment, nor such a Bill sent over, but the former Act repealed, and our Friends thereby eased by not being now compelled to maintain such Ministers they do not hear. We also offer the following exceptions to the new Bill :—(1) It deprives them that are ancient inhabitants of that liberty of conscience with security to their property upon encouragement of which they and their fathers settled there, and have a Law for, and have enjoyed above 40 years. (2) It allows of select vestrys, contrary to the Law here. (3) It enacts vestrymen to dispose of gifts, goods and chatteles as shall come to their hands, which as worded in the Act, seems to be without regard to the will of the donor or testator, and have a power to impose oaths. (4) Contrary to the Law here, it imposes the oath and ye subscribing the Test and the Association by all vestrymen and churchwardens, and deprives the people of their right of vestry that refuse. (5) It contradicts the Act of Toleration here by exempting that which the latter doth not except, as also the Act of solemn affirmation here, which admits the Quakers' solemn affirmation to be accepted instead of an oath. (6) It is contrary to the Laws of England, and doth not correspond with the Governor's

1701.

Commission, nor the Proprietor's Patent. (7) The Bill contradicts itself, by allowing, after the exemption, the Dissenters shall have the full benefit of all exemptions *etc.* by the said Act granted and allowed according to the true intent and meaning of the said Act, which never intended what by this Bill is enacted. (8) It makes marriages of Desenters from the Church of England illegal, although they have all the essentials relating to marriage, as consent of parents *etc.*, if a priest can be had, if not done by him. (9) It allows, when the penalty therein expressed is inflicted, such marriages that are forbid by the table of marriages used by the Church of England. (10) It provides not against marriages without consent of parents *etc.*, or for publication, if 5 shillings be paid unto the priest, and he can be had, which clandestine marriages have proved a great grief to parents and ruin to their children, by having them stolen and so married. (11) It imposeth so great a charge upon poor servants that have their parents' consent and are willing to have publication made, but not well able to defray so great a charge as 5*s.* *Signed*, John Feild, E. Haistwell, Jos. Wyeth. *Endorsed*, Reed. Read May 6, 1701. 3 *pp.* [*C.O.* 5, 715. No. 37; and 5, 726. *pp.* 44–50.]

May 6. 407. Mr. Popple to Sir John Hawles. There being occasion to produce before the House of Lords authentick copies of Two Acts of Pennsylvania, Feb. ¹⁶⁹⁹/₁₇₀₀ which I sent you July 26th, the Council of Trade and Plantations desire you to deliver them to the bearer, Mr. Randolph. [*C.O.* 5, 1289. *p.* 65.]

May 6. 408. Council of Trade and Plantations to the Lords Com-
Whitehall. missioners of the Treasury. For want of the incidental charges transmitted to your Lordships, Jan. 17, our Office is exceedingly straitned, and without that assistance ye business cannot be carried on. We also desire your Lordships to be mindfull of the arrears of allowances and salaries due unto our office, and that you would be pleased to order some payment to ourselves and officers. *Signed*, Abr. Hill, Mat. Prior, Stamford, Ph. Meadows, Jon. Pollexfen. [*Board of Trade.* Miscellanies, 11. *p.* 105.]

May 7. 409. Memorandum of some changes of officers in the service
of the Board of Trade. [*Board of Trade.* Miscellanies, 11. *pp.* 106–108.]

May 7. 410. Council of Trade and Plantations to the King. Having
Whitehall. understood from Col. Blakiston that three of the Members of your Majesty's Council in Maryland are lately dead; and it being very expedient, as we have formerly represented, that the number of Counsellors there be always kept up full, we humbly offer to your Majesty that Edward Lloyd, William Holland and James Saunders, represented to us by that Governor as persons fit for that employment, be accordingly constituted Members of your Majesty's said Council to fill up the present vacancies. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abraham Hill, Mat. Prior. [*C.O.* 5, 726. *p.* 65.]

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May 7.
Whitehall.

411. Council of Trade and Plantations to Lieut.-Governor Nanfan. Having understood from several persons that the Earl of Bellomont departed this life at New York, March 5 last, and that you were then at Barbados, from whence we do not doubt of your return to New Yorke and taking possession of that Government before this letter arrives, we have thought fit hereby to require you to be very diligent and circumspect in the discharge of your duty, according to the powers and authorities devolved upon you by H.M. Commission and Instructions to the Earl of Bellomont as Governor of New York ; and in the execution thereof we more especially advise you not to engage yourself in the heats and animosities of parties, but to use such moderation as may best conduce to H.M. service and the good of the Colony. By H.M. Commission we conceive that from the time of your entering upon that Government, you will be intitled not only to the salary of 200*l.* per annum as Lieut.-Governor, but also to one moiety of the remaining 400*l.* appointed for the Governor in Chief, which being a competency judged sufficient for maintaining the dignity of that Government untill H.M. further pleasure, you are not to receive, nor pass any Act for receiving any present or gratuity to yourself ; nor are you to pass any other Acts of Assembly whatsoever but such as are immediately necessary for the preservation of the Peace and Well-fare of that Province untill further order. We suppose several of our letters to Lord Bellomont, which were in his Lordship's custody, will now have been put into your hands. You will also receive our letters to him of the 29th and 30th of last month, which were finished by us before we heard the news of his death. Whatever you find in any of those letters relating to the affairs of New Yorke, you are to take care of, as if they had been writ to yourself. And whatever we have required from his Lordship relating to that Province, which has not yet been done, you are also to give us particular account of. But as for those passages which respect any of the other Colonies that were under his Government, you will easily judge you are not to concern yourself in directing anything thereupon, but may nevertheless write unto us whatever you think proper for our information. We cannot but take particular notice that tho' several letters are arrived from New York, giving an account of the death of the Earl of Bellomont, we nevertheless have not any such information from the Council nor any officer of that Government. As we were about to conclude this letter, we have received one from the Earl of Bellomont, Feb. 21st, wherein he has sent us several Minutes of the Council of New York relating to complaints against the widow van Cortland, for concealing the Books of Accounts of H.M. Revenue, etc., which being a matter of great importance, and all that we know of it being (according to those Minutes) entered in the Council Books, we recommend it to your care to pursue such methods as may most effectually recover the accounts that are wanting, prevent any wrong to H.M., and enable the present Collector and the Commissioners for Accounts to perform the respective Trusts that have been reposed in them. Lest some of our letters to his

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Lordship should not come to your hand we send you extracts of such parts as are most important for your information. And whereas H.M. for the safety of his Province of New Yorke has remitted or given credit to his Lordship for 2,500*l.*, viz., 500*l.* for a Fort in the Onondage Country, and 2,000*l.* for Albany and Schenectady, we expect from you an account what progress has been made in those services, and what is further to be done with the money he remitted. Your very loving friends, *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Math. Prior. *Subjoined*, Memoranda of extracts of letters enclosed. [C.O. 5, 1118. pp. 278-284; and 5, 1079. No. 71.]

May 7. 412. Deposition of Lieut. John Riggs as to the arrears of pay due to him, 410*l.* 2*s.* 2*d.* out of 616*l.* 4*s.* 8*d.* pay due from Feb. 16, 169 $\frac{3}{4}$ -May 10, 1701. *Signed*, John Riggs. 1 large p. [C.O. 5, 1046. No. 18.]

[? May 7.] 413. Capt. James Weems, Capt. Peter Mathews, Lieut. John Riggs, and Lieut. Charles Ashfeild, on behalf of themselves and the rest of the subalterns of H.M. four Foot Companies, to Col. Smith and the rest of the Council of New York. Said officers have laboured under great difficulties for a long time in supporting themselves by credit for want of the greater part of their pay and subsistence. Since Lord Bellomont's death their difficulties are much increased for want of a clear understanding of what sum is paid to him or his agent in England. We offer that your Honours intercede with the Countess to have the view of his Lordship's accounts of moneys received for the Companies. *No signature, date or endorsement.* $\frac{3}{4}$ p. [C.O. 5, 1046. No. 19.]

May 7. 414. John Thurston to Mr. [Popple ?]. The last ships designed for Newfoundland this season sail within six days and not any money as yet ordered by the Treasury for the additional men lately sent thither. I humbly beg you will give me a line to Mr. Lownds signifying the same to him, that the Lords may be moved to direct payment of the money intended for the soldiers before it be too late. *Signed*, J. Thurston. *Endorsed*, Recd. Read May 7, 1701. 1 p. [C.O. 194, 2. No. 42; and 195, 2. pp. 441, 442.]

May 7. 415. Council of Trade and Plantations to the Lords Commissioners of the Treasury. Enclosing above letter. We further add that unless the money desired be paid before the going away of these ships, which are the last, we have reason to fear it may occasion great disorders in ye Fishery, by the unrulyness of the soldiers for want of their pay. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. [C.O. 195, 2. p. 442.]

Whitehall.

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May 1st.
Fort
Kijkoveral
on the River
Essequibo.

416. Commandant Samuel Beeckman to the Lords Directors at the Chamber of Zeeland. Acknowledges receipt of letter Jan 16 (N.S.) by the *De Jonge Jan*. Refers to her cargo and the crops : the need of slaves for developing the new Plantations and the great mortality amongst them : asks for a good smith and gunsmith, 18 soldiers, two carpenters and a good trumpeter ; refers to the new sugar-works on the Company's Plantations at Westonsburg and New Middelburg ; refers to trade in Curaçao salt *etc.* Signed, Samuel Beeckman. *Endorsed*, Read Aug. [?] 4, 1701. 16 pp. *Holograph. Dutch. Enclosed*,

416. i. List of enclosures, *etc.* (see below), and list of Bills of Exchange for slaves and horses sold (906*l.* 13*s.* 9*d.*). *Endorsed, Entered*, Aug. 31st, 1701. 1 p. *Dutch*.

416. ii. Inventory of all the Company's effects under the charge of Samuel Beekman, Commandant of the Colonies in anexe Revieren van Essequibe. April 13, 1701 (N.S.). 24 pp. *Dutch*.

416. iii. Invoice of the cargo shipped by Commandant Beekman in the *De Jonge Jan*, and consigned to the Dutch West India Company. 3 pp. *Dutch*.

416. iv. Petition for clearing and passport to Commandant Beeckman and Council, Rio Essequibo, Fort Kijkoveral, March 4 (N.S.), 1701. *Dutch*. 1 p.

416. v. Petition to the Council of the West India Company for supplies. Rio Essequibo, Fort Kijkoveral, March 4 (N.S.), 1701. *Dutch*. 1 p. [*C.O.* 116, 19. Nos. 6, 6. i.-v.]

May 8.
Kensington.

417. Order of King in Council. Approving of the Representation of May 6th, and directing Mr. Secretary Vernon to prepare a warrant for H.M. signature constituting Col. Anthony Hodges Lieut.-Governor of Mountserat during H.M. pleasure. Signed, John Povey. *Endorsed*, Recd. Read May 22, 1701. $\frac{3}{4}$ p. [*C.O.* 152, 4. No. 22 ; and 153, 7. p. 171.]

May 8.
Kensington.

418. Order of King in Council. Approving of Representation of May 6, and directing Mr. Secretary Vernon to prepare a letter for H.M. signature to be sent to Col. Codrington, declaring His Majesty's approbation of his proceedings and the removal of Capt. James Norton from being Lieut.-Governor of St. Christopher's ; as also that Col. Codrington appoint some other fit person to succeed him in that command, till H.M. further pleasure be known. Signed, John Povey. *Endorsed*, Recd. Read May 22, 1701. 1 p. [*C.O.* 152, 4. No. 23 ; and 153, 7. pp. 172, 173.]

May 8.
Kensington.

419. Order of King in Council. Referring enclosed petition to the Council of Trade and Plantations. Signed, John Povey. *Endorsed*, Recd. 9, Read 13 May, 1701. $\frac{1}{2}$ p. *Enclosed*,

419. i. William Byrd to the King. Petitioner being a native of Virginia hath ever made it his particular study to inform himself of the affairs relating to it, that so he

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might render himself capable of cultivating your Majesty's interest in that remote part of your Empire. Prays to be appointed Secretary. *Copy.* 1 p. [C.O. 5, 1312. Nos. 10, 10. i.; and 5, 1360. pp. 79-81.]

May 8.
Whitehall

420. Council of Trade and Plantations to the Lords Spiritual and Temporal. In accordance with the Order of May 3, we lay before your Lordships lists of complaints received against the Proprietors and Charter Governments, and have ordered our Secretary to attend with the books wherein they are contained. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. *Annexed*,

420. i. Memorandum of papers referred to. [C.O. 5, 1289. pp. 66-88.]

May 8.
Kensington.

421. Order of King in Council. Ordering Edward Lloyd to be constituted a Member of Council of Maryland. Mr. Secretary Vernon to prepare a warrant for H.M. Royal Signature requiring Col. Blakiston to admit him accordingly. The like Order for William Holland and James Saunders. *Signed*, John Povey. *Endorsed*, Recd. Read May 22, 1701. 1 p. [C.O. 5, 715. No. 38; and 5, 722. p. 67.]

May 8.

422. Journal of Council of Trade and Plantations. Mr. Serjeant Darnel and Mr. Mountague attending, their Lordships communicated to them several papers that are in this office relating to complaints against Proprietary and Charter Governments in America.

Report to the House of Lords in answer to their Order of May 3rd signed, and together with lists of papers relating to complaints against Proprietors and Charter Governments, delivered to Lord Lexington, that his Lordship may present the same to that House.

The Secretary laid before the Board an account of money disbursed by him out of the 450*l.* that has been paid him on account of the incidental charges of this office, from the first establishment of it, March 25, 1696, till March 25, 1701, and amounts to 419*l.* 14*s.* 10*d.* Their Lordships examined it article by article, and signed it in testimony of their approbation and allowance thereof.

May 9.

Letter from the Secretary to Mr. Taylor, Clerk of the Treasury, approved.

Mr. Serjeant Darnel and Mr. Montague again attending, their Lordships communicated to them divers papers of complaints against Proprietary Governments, and ordered that Mr. Randolph, Mr. Brenton and Mr. Bass have notice to attend to-morrow.

May 10.

Order of the House of Lords, May 9, requiring all the papers in this office that concern Mr. Penn to be laid before that House, read. A list of such papers as may most concern him being made, Lord Lexington was pleased to lay the same before the House, and afterwards acquainted the Secretary that the papers

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therein mentioned may be communicated to Mr. Penn's Counsel upon the Bill depending before the House of Lords relating to Proprietary Governments.

Mr. Randolph, Mr. Bass and Mr. Brenton attending, their Lordships proceeded in considering of Instructions fit to be given the Counsel for the King upon the foresaid Bill. [*Board of Trade. Journal, 14. pp. 22-27; and 98. Nos. 83-85.*]

May 8.
At the College
of William
and Mary.

423. Minutes of Council of Virginia. H.E. laid before the Council a letter from Jos. Burchet, Jan. 24, 1700, wherein it is signified yt. the *Southampton*, fourth-rate, will soon be ready to relieve the *Shoreham*, and desiring that the latter may not be out of ye way when ye *Southampton* arrives, but may be in readiness to return. Whereupon it was the opinion of H.E. and Council that it is most for the safety and security of all ships and vessels outward bound to go in fleets or take convoy, and proposed to Capt. Passenger, of the *Shoreham*, that he should then take under his convoy all ships ready to sail for England, which he undertook.

Several letters from England and other parts being read, and giving great cause to believe that there either now is, or suddenly will be a vigorous warr on foot, H.E. and Council conceive it will be very dangerous for any vessel to go to sea, unless in fleets or under convoy. Ordered that the Collectors and Naval Officers clear no ship after June 6th, and that what ships they clear, they shall oblige them to come into ye mouth of James River to ye ussall place of making up fleets, and there to remaine till June 12th, in order to sayle. And if any vessel should not be ready to saile by yt. time, the Collectors and Naval Officers shall not clear them after yt. time until further orders. They are to give immediate notice of this order, unto the several Masters of Ships within their districts.

Ordered that the Collectors and Naval Officers make up their accounts with Mr. Auditor Byrd on June 9th, to be transmitted to England, it being certain there will be no opportunity of transmitting any matters to England until the next return of the fleet. Ordered that if in the interim they take any bills of exchange for the importation of liquor, servants or slaves, they either forthwith send them home themselves or else send them to Mr. Treasurer that he may transmit to England with this fleet.

Proclamation signed appointing a Publick Day of Thanksgiving for ye deliverance of the Colony from the great and rageing plague of Caterpillars, and for the great blessing in preserving unanimitie and concord between his most sacred Majestie and his Parliament, and ye inhabitants of this Colony in health, peace and tranquility, to be observed by the inhabitants of ye City of Williamsburgh and parts adjacent ye 5th June, and by all the others ye 19th June.

Notice of the embargo laid on ye ships after June 6th, and the arrangements made for convoy ordered to be communicated to H.E. Governor Blakiston that so, if he thinks fit, he may give directions for ye merchant ships in Maryland to take ye opportunity of-joining the fleet or convoy to defend them from pirates

1701.

or privateers ; also to desire him that, for the better guard and defence of the coasts, he will give orders unto Capt. Coode, H.M. Advice Boate *Messenger*, that as soon as conveniency will permit, she may be down in the mouth of James River, to pursue such orders for H.M. service as shall from time to time be unto him given.

Notice to be given to all masters of ships that June 12 is sett for the time of sailing.

Ordered that Capt. Passenger send a sloop as soon as possible to cruise in ye Bay of Chesapeake, and if they meet any ship designed out of the Capes, that they stopp them and bring them into James River, to take the oppertunity of joyning with the fleet or a convoy.

Proclamation ordered to be prepared proroguing the Assembly to July 4th, and to lie ready in the office until it may be seen what further offers for H.M. service, others to be issued forth as H.E. sees fit.

Letter from the Council of Trade, Feb. 18, 1700, requiring a perfect account of ye state of defence of this Government considered. H.E. and Council were of opinion that ye whole matter relating to ye subject is already transmitted in ye most perticular manner possible by ye proceedings in Council of May 9, 1699, approved by the Burgesses, June 2, 1699. Therefore nothing more can be offered to their Lordships' consideration, only that ye powder being canon powder is not fit for ye use of small arms, neither will it keep, therefore it is conceived that ye best stores of warr to be sent for this country would be pistol powder and pistol bullets, which is fit for all manner of service, and some hand mortars and granadoes sutiable and fit for them, with Grana-deer and Dragoon arms, all which is offered to their Lordships' consideration.

H.M. Letter, Feb. 2, 1700, concerning the trial of pirates etc. was read.

Capt. Passenger laying before H.E. and Council the state of ye *La Paix*, lately taken from the pyrates, H.E. and Council finding that she cannot be fitted out for service, that she hath been several times exposed for sale and none would purchase ; yt. if she stays here, she will be rendered utterly incapable for any service, and considering yt. several quantities of tobacco is likely to be left in country for want of freight, upon the request of Capt. Passenger, they are of opinion yt. it will be for H.M. interest and service yt. Capt. Passenger load her home for England with tobacco.

H.E. and Council considering ye danger merchant ships may be in at this juncture in going out to sea, and willing to prevent and discover all pyrates and privateers or sea-rovers, which may haunt and infest these coasts. Ordered that the Col. or Commander in Chief of Princess Anne County provide one or more sufficient persons constantly to look out upon the sea-coasts and to continue performing that service until further orders, who, if they see any ship upon ye sea-coast, are diligently to observe her course, motions and actions, and perticularly if any boat be sent

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on shore, and if there appear any suspicion of their being pirates, immediately to give notice to the next Commission Officer of ye Militia, and he is forthwith to intimate the same to the Commander in Chief of the Militia in that County, who is hereby directed to take such care and give such orders as shall be necessary for the defence of his county, and for persueing and apprehending such suspicious persons as shall come on shore, and also to give notice to the Commander in Chief in the other counties lying on ye sea-coasts, that they also may be prepared to defend themselves, and every Commander in Chief, upon intimation given as aforesaid is forthwith to dispatch an express to H.E., with a perticular account thereof, and of what orders and directions he hath therein given.

Ordered that a Council be held at H.M. Royal Colledge of William and Mary, June 9th next. Notice to be given to Mr. Byrd, Chas. Scarborough and John Custis.

Whereas H.M. has laid his Royal Commands upon H.E. to send a compleat list of all ye Militia in Virginia, and how they are armed, and whereas there is a strong suspicion of a long and lasting war near at hand, and what thereof may fall to our lotts in these parts of the world, God only knows, ordered that all and every Col. and Commander in Chiefe of each County immediately issue orders to the several officers under their command to return a true and perfect list of the troops under their command and how they are fitted and equipt, setting the same down in distinct columns, and with all speed to return to the Council Office three fair copies of such lists, that they may be laid before the Council June 9th. And they are further required to take special care yt. the Laws for their appearance at musters, and being armed and equipt according to Law under the fines and penalties therein contained, be put in due and effectual execution.

Ordered that the Cols. and Commanders in Chief of all the Upper Frontier Counties within this Colony do with all expedition return an account to H.E. and Council of such persons to the number of 20 with ye officers as, being of the Lower Inhabitants of each of ye said Counties, are fitt and able to range and guard the frontiers of their respective Counties, if any occasion by an incursion or invasion of the Indians or any foreign enemy by land should soe require. [*C.O.* 5, 1409. pp. 91-98.]

May 8.
Annapolis.

424. Minutes of Council in Assembly of Maryland. H.E. laid before the Board his intended speech to the Assembly, which the Council approved. The speech—"The last Assembly having continued some years, I was advised by H.M. Council that notwithstanding all things had been hapily enacted and concerted by them for the advantage of the Province, yet it would be to the general satisfaction of the inhabitants to have a new election, wherein I am glad to find so good a judgment of the people in sending so many of you whose services in the former Sessions have so well deserved from them, as also the other Gentlemen that

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appear with you, whose characters stand very fair with me. I must confess I am much in the dark as to the state of our Laws, which are of the greatest moment to us, and were sent home the last Assembly, and was not without hopes that long ere this I should have received some instructions concerning them, that if there had been any irregularity or false steps therein, to have had it corrected this Sessions. But some unexpected accidents, as we are informed, have alarmed Europe, and noe ships arriving from thence in some time we may justly conjecture was the impediment. But we are crowned with that blessing in having a Prince and Patron that will assert both our libertys and propertys with all that vigour, courage and conduct that ourselves can hope or wish for. I have now been some years amongst you, which has given me the opportunity to pass my scene of probation with you, and I will venture upon all the severity that reflection can produce, if I have not been strictly just to what I at first promised at my coming," etc.

The Members of Assembly were summoned from the State House to atend H.E. at the Council Chamber, and made the following appearances :—

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| For St. Mary's City | { George Muschamp. Col. Henry Lowe. Kenelm Chriseldine [<i>Cheseldin</i> . p. 168]. |
| For St. Mary's County | { Thomas Beale. Major John Lowe. Wm. Watts. Col. John Hynson. |
| For Kent County | { Col. Thomas Smith. Capt. John Whittington. John Salter. James Saunders. |
| Ann Arundell Count | { Col. William Holland. Saml. Young. Capt. John Dorsey. Major Walter Smith. |
| Calvert County | { William Parker. Elisha Hall. John Smith. Lieut.-Col. James Smallwood. |
| Charles County | { Major William Dent. Capt. Benjamin Hall. Philip Lynes. Major Edward Dorsey. |
| Baltimore County | { John Hall. Saml. Sicklmore [<i>Sycclemore</i> , p. 169]. (Thos. Hammond, absent.) Lieut.-Col. Thomas Smithson. |
| Talbot County | { Col. Edward Lloyd. Richard Tilghman. Philemon Lloyd. |

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|------------------------|---|--|
| Dorchester County | { | Dr. Jacob Lookerman [<i>Lockerman</i> , p. 169]. |
| | | Hugh Eccleston. |
| | | John Le Counte [<i>Le Compt</i> , p. 169]. |
| | | Col. William Whittington. |
| Somerset County | { | John Bozeman. |
| | | Capt. John Franklyn. |
| | | Col. John Thompson. |
| | | Col. St. Leger Codd. |
| Cæcill County | { | William Harris. |
| | | Matthias Vanderhayden. |
| | | Thomas Greenfield. |
| | | William Hutchison. |
| Prince George's County | { | John Wight. |
| | | Robert Bradley. |

They took the oaths and subscribed the Test and Association, and chose Col. Thomas Smithson for their Speaker, who having made his request to be excused therefrom, H.E. notwithstanding was pleased to approve of him, and, on his desire, granted the Members of the House protection for their persons, freedom of debate, and access to his person. H.E. delivered his Address as above.

H.E. approved the appointment of William Taylard as Clerk of the House. He was sworn accordingly.

May 9.

Petition of John Ryan of Dorchester County, complaining against Col. Henry Mitchell and his Overseer for taking up his sloop, pillaging and detaining his goods and provisions, without which he is not able to sustain his wife and ten children, recommended by H.E. to the Justices of Calvert County to inquire into and to doe the petitioner speedy justice.

The Assembly replied to his Excellency's speech :—The easiness which H.M. subjects were immediately sensible of at the first commencement of your Government, and the exact constancy of it in its progress assures us that it is the innate and genuine disposition of your Excellency to facilitate the people under your conduct, and as we have found your Excellency allways just and prudent in publick affairs, and sincere and candid in personal, so shall you find a cheerful obedience and ingenuous dealing from us, and a perfect desire to avoid the least flow of contention *etc.* Neither the dissolution of the last Assembly, nor any other Act of your Excellency hath been displeasing to us. What of late may have prevented ships, and consequently kept us in the dark as to the state of our laws, we know not, but since we enjoy the present comfort of them and are assured they are in the hands of so good a Prince and Patron, we will sit down in hopes of an answer to our satisfaction.

H.E. laid before the Board the letter of the Council of Trade and Plantations, Dec. 3, 1700, relating to the number of inhabitants, and saith that he hath with great difficulty at last sent them to their Lordships; also their letter of Jan. 4, 1700 (1701) (*q.v.*), signifying that our laws were still lying before H.M. Attorney and Solicitor General. A conference of the two Houses to consider the matter was proposed.

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May 10.

Major Thomas Hammond was sworn a Delegate for Baltimore County.

The Conference proposed above was held. It was debated whether all the Laws referred to in the above-mentioned letters should not be re-enacted one by one as the best means to obviate the misfortune that may happen thro' H.M. pleasure in dissenting to any one Act enumerated in the repealing and confirming Laws made the last Assembly. It was the opinion of the House that by H.M. Order in Council, Nov. 30, 1699, none but ye Laws enumerated and particularly mentioned in the Act ascertaining the Laws of this Province were thereby repealed, but they desired to have copies of the paragraphs of their Lordships' letters and leave to consider them in their House, which being given them, they repaired to their House.

Ordered that notice be given to the Justices of the several County Courts, that every June Court they take new bonds of the Sheriffs, according to Act of Assembly, and immediately transmit them to the Secretary's Office. [*C.O.* 5, 744. pp. 41-55.]

May 8.
Statehouse,
Annapolis.

425. Journal of House of Delegates of Maryland. The new Assembly met, and took the oaths appointed, and subscribed the Test and Association, with the exception of James Round, decd., and Thomas Ennalls, not yet appeared. (*See preceding abstract under date.*)

A warrant was issued for choosing a Representative for Somerset County, in place of Mr. Round. An answer to H.E. Speech was ordered to be prepared.

A Committee for Privileges and Elections was appointed.

May 9.

See preceding abstract under date.

Major Thomas Hammond appeared and was sworn a Member. Resolved that 21 Members with the Speaker make the House.

Committee appointed for examining and stating the public accounts.

Petition of Dorothy Stevens, relict of Jno. Stevens, of Dorchester County, read. In 1695 she purchased of Simon Wilmore of Kent County, a tract of land called Wilmore's Range in Talbot County, S. of Chester River, upon Unicorn Branch, about 1,000 acres, and made full payment, and Simon Wilmore and his wife Rebecca by John Calliant, her attorney, came into Talbot County Court and gave their consents that the deed of feoffment should be then enrolled on the records of that Court, but, by negligence of the Clerk or otherwise, the said deed is not recorded nor the deed itself to be found, and Simon Wilmore being dead and his heirs within age, Petitioner is destitute of common remedy, except she be aided by an Act of Assembly. Order made to confirm the title in Petitioner accordingly.

Proposals for laws were made and referred for consideration.

The Committee of Privileges and Elections reported upon a return of Dorchester County:—It appears by the return made by John Lockerman, Sherif of said County, that John Leecompt had the surplus of two votes, but upon examination of the Poll, in the presence of the Sheriff and John Taylor, Complt., it doth

1701.

appear to us that four persons ought to be struck off the pole list, which was taken in favour of John Lecompt, and two in favour of John Taylor. There is also one Morris Bryce who gave his vote for Taylor and was allowed by the Sheriff at the time of Election, and put into the list, but now the Sherif doth assert in his own vindication that Bryce was not qualified to vote, but on the other hand Taylor did offer upon oath that Bryce was questioned at the time of the scrutiny made at the Election, and that Wm. Edmondson did give such satisfaction to the Sherif that he continued him in the list. This matter appearing very nice, we refer it to the House whether Bryce be qualified to give his vote upon Taylor's allegation, and also whether the Sherriff hath a right of voteing. If he be qualified to vote, then it is our opinion that Le Compt is duly returned, but if not, and if Morris Bryce is duly qualified, then it's our opinion the said Sherrif hath made an undue return of Jno. Lecompt. The usual method of drawing the indentures returned for Dorchester County, to witt between Jacob Lockerman, High Sherif, on the one part and Major Jacob Lockerman, Burgess and Freeman on the other, is offer'd to the consideration, of the House. Resolved that Mr. John Lecompt is duly returned, and that the Sherif hath not any vote on election. [C.O. 5, 744. pp. 165-183.]

May 8. **426.** Account of incident expenses of the Office of the Board
Whitehall. of Trade, March 25, 1696-March 25, 1701. *Total, 419*l.* 14*s.* 10*d.* Audited and approved. Signed, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Matt. Prior.* [Board of Trade. Miscellanies, 11. pp. 108-112.]

May 9. **427.** William Popple to Mr. Taylor, First Clerk of the
Whitehall. Treasury, enclosing preceding, with some observations thereon. [Board of Trade. Miscellanies, 11. pp. 113, 114.]

May 9. **428.** Minutes of Council of Bermuda. H.E. ordered to be
read H.M.'s pleasure about the absence of the Council. Mast ordered to be supplied to H.M. Frigott, *Lincoln*. J.P.s summoned to attend for their Commissions. [C.O. 40, 2. p. 34.]

May 9. **429.** Order of the House of Lords. Upon reading the
petition of William Penn, in behalfe of his father, shewing that he having recourse to the papers laid before this House from the Commissioners of the Admiralty, Plantations and Customs, he perceives several papers are not laid before this House which were sent to the said Commissioners, which were for the advantage of his father, ordered that the said Commissioners doe lay all the papers that may any way concern Mr. Penn's father before this House to-morrow. *Signed, Mat. Johnson, Cler. Parliamentor. Endorsed, Reed. 9th. Read May 10, 1701. 1 p.* [C.O. 5, 1261. No. 4; and 5, 1289. pp. 88, 89.]

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May 10. **430.** List of papers, 1694-1701, presented to the House of Lords in answer to their foregoing Order. [C.O. 5, 1289. pp. 90-97.]

May 10.
New Yorke.

431. Col. Smith to the Council of Trade and Plantations. *Refers* to letters written in conjunction with Col. Schuyler and Mr. Livingstone. The ship yet staying and Col. Schuyler being gon to Albany, I humbly offer further that we lately, as well from such vessels as have arrived in these parts from Europe as the Plantations of French, Dutch and English, are given to understand that it's believed that a war with ye French King will sudainely ensue, of which we hope to have timely notice, this Province being most liable to ye greatest mischiefe from ye French at Canada. *Repeats* account of state of forts at Albany and Schenectade. If H.M. direct the other colonies to contribute towards these fortifications, ye payment of such quotas will be uncertein and come slowly in. *Suggests* that, if the war should happen, ye money given by H.M. and by the Assembly for building a fort at Unundague (*sic*) might be more properly applied to ye forts at Albany and Schenectade, at least until the quotas could be collected. *Refers* to intrigues of French with the Indians. What further I could be informed of, is the taking from them a Minister, who had with great paines and care instructed them in the Christian Reformed Religion and of whom they had a great good opinion, whos wante though severall times represented by them hath not hitherto been supplied, as also that of late persons have been employed to treat and negotiate the affairs of this Government with them, who have not been soe acceptable to them as those who for a long time before had discharged that duty, had great interest in them and influence on them, of which number Col. Schuyler above all men is most deare to them, having by a long acquaintance, as well as by his conduct and valour in the late war, justly acquired a wonderful reputation amongst them. I think that therein he hath done H.M. and this Province very signall and acceptable service, having also for a considerable time victualled H.M. Companies at Albany, for which there is yet due to him a considerable sum. The forts at New York wants great repairs and a number of guns there wants new carriages, H.M. Revenue here in debt 5 or 6,000*l.* at least, so that there is noe present moneys to be got from thence for any such necessary expence, and how far an Assembly will be able to provide for these and other wants is very doubtful. I thinke that in case of a rupture between England and France this Province will be the chief seat of war in these parts and so in most danger. The great heats, divisions and animosities amongst parties in this Province deserve your consideration, how ye same may be healed and composed, having for anything I can observe of late been rather exasperated then appeased. For my own parte, I have recommended moderation, which occasioned these warm debates with these Gentlemen of the Council, who are hot men of a party. I have for peace sake conceded to be concluded by a majority of ye Council, but observe

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that it might be highly important for H.M. service that H.M. should ascertain what powers and preeminences shall be allowed to be exercised by such who shall for ye future happen by ye like accident to preside in H.M. Council in the Plantations, for that I am most credibly informed that such powers have been exercised very differently in severall Plantations, and have not been determined without some straine and struggle. Mr. Livingston hath prayed me to observe to your Lordships that I had seen what you had been pleased to signify to your late Governor in relation to his having been concerned with Champell in the imbecillment of part of Kid's cargo at Boston, and as I have noe knowledge of his guilt, soe I can only offer what proof I can gather of his innocency therein. He brought Champell to me, who made affidavit, which I transmit. He farther tells me that some days after my Lord Bellomont had accused him to your Lordships in that thing, he before his Lordship and the Council at Boston did exonerate himself from any guilt therein by his oath then and there taken that he had not directly nor indirectly received or concealed anything of Kid's. He hath indeed produced to me severall of his Lordship's letters since wrote to him, wherein his Lordship is pleased to treat him with great friendship, to allow of several services by him done to H.M., promising to represent him to ye Government at home as a person who had well deserved of ye Crowne of England, which letters he intends to direct to be humbly layd before your Lordships, who he hopes will retain favourable sentiments of him, until he can more fully make appear his innocency. He has a large pretension on this Government for diverse disbursements and money due for his salary as Secretary of the Indian Affairs. The State of the Jerseys I have laid before your Lordships in thos other letters, since which Col. Lewis Morris, a person of a fair character, who is possest of a very considerable estate as well in that as in this Province, acquaints me he intends to embarque for England in this ship to procure some remedys in ye disorders of that parte of ye Jerseys where he lives and is concerned. *Signed, Wm. Smith, Prt. Endorsed, Recd. July 3. Read July 9, 1701. 3 large, closely written pp. Enclosed,*

431. i. Abstract of preceding. $1\frac{1}{2}$ pp.

431. ii. Deposition of Duncan Campbell, of Boston. Mr. Livingston never proposed with deponent to imbezzle any of Kidd's goods, other than that Kidd gave him a negro boy, which he, Livingston, did with the consent of Kidd, give to Mr. Mackacy, a gent. two or three days after come from Caledonia and bound for England, all which was made known to the Earl of Bellomont. *Endorsed, Recd. July 8, 1701. $\frac{3}{4}$ p.*

431. iii. Account of money due to Rt. Livingston. 6 years Salary as Secretary to ye Indian Affairs, March 25, 1695–March 25, 1701, at 100*l.* sterl. per annum = 780*l.* N. York money, of which Lord Bellomont passed warrants for 715*l.* in Sept. last, and afterwards with 3 of the Council on Jan. 30 following putt a stop to ye

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payment thereof upon pretence yt. H.M. had not sent an approbation upon his Lordship's report made in Livingston's favour, = 780*l.* 1,662*l.* 6*s.* 8*d.* for interest of sundry sums advanced in the Province of New Yorke for the service of the Crown. 1,196*l.* 4*s.* 3*d.* for victualling the companies at Albany. *Signed*, Rt. Livingston. *Same endorsement.* 1 p. [*C.O.* 5, 1046. Nos. 14, 14 i.-iii.; and (*without enclosures*) 5, 1118. pp. 334-342.]

May 12.
Portsmouth.

432. Minutes of Council of New Hampshire. Order of Council, Oct. 22, 1700, repealing the Act for restraining and punishing privateers and pirates, read and ordered to be published. Representation of Council of Trade, Oct. 9, 1700, and Order of Council, Oct. 22, thereupon, read. [*C.O.* 5, 789. pp. 15-17.]

May 12.

433. Journal of Council of Trade and Plantations. Mr. Serjeant Darnel and Mr. Montague, together with Mr. Randolph and severall other persons who can give evidence in the matter relating to Propriety Governments now before the House of Lords, again attending, a farther progress was made in instructing Mr. Darnel and Mr. Montague in that matter.

May 13.

Order of Council, May 8, referring the Petition of Mr. Wm. Bird for the Secretary's place of Virginia, read. Mr. Bird thereupon desiring that Col. Ludwell might offer to the Board some things relating to that office, Col. Ludwell did acquaint their Lordships that the said office is of great importance, being the registry of all the Records of the Province; that it is to be feared it has not of late years been well looked after; that since Col. Wormley has not been able to act and Mr. Jennings has officiated in his stead, it is not well understood who is charged with the records and is answerable for them; that there is seldom any in the office but an under-clerk, and that the people who have business there are put to other and higher charges than the establisht fee. After which, their Lordships desiring those matters or what else he might think fit to offer should be laid before them in writing, he promised to do it.

Duplicate of the Secretary's account signed and ordered to be sent to Mr. Lowndes, to be audited, in order to the passing thereof in the Exchequer, and that the Secretary may thereupon have his quietus.

May 14.

Draughts of letters to Lieut.-Governor Stoughton and Lieut.-Governor Partridge agreed upon.

Order of Council, April 30, laid before the Board.

Their Lordships having considered some parts of the Maryland Act for Religion, ordered that Dr. Bray have notice to attend the Board to-morrow. [*Board of Trade.* Journal, 14. pp. 27-30; and 98. Nos. 86-88.]

May 12.

434. Minutes of Council in Assembly of Maryland. George Plater and George Muschamp, H.M. Receivers, being sent for, H.E. enquired what security they have given for the due

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execution of their offices, and finding that Mr. Robert Mason and Mr. Philip Clark, who were Mr. Muschamp's securities, are both dead, H.E. required new security. They were ordered to lodge a copy of their accounts of the 3*d*. per hhd. for arms in the Clerk of the Council's Office yearly, that that Revenue may appear.

Upon the death of Mr. James Rounds, one of the Justices of the Provincial Court, ordered that Lieut.-Col. William Whittington succeed him.

H.E. proposed if it may not be advisable upon this rumour of an unavoidable war in Europe, it should be recommended to the Assembly to consider what measures will be most advisable to be taken to render the Militia here more useful against any sudden emergency or invasion by a foreign enemy. Message sent to the Assembly accordingly. The Assembly presented an Address to H.E. setting forth that the 3*d*. per hhd. had supplied the Province with a sufficient quantity of arms, though many deficient in quality, and they hoped, money in Bank upon the same fund. They proposed that money out of this fund should be applied to render them serviceable, and some fitting persons in the several counties empowered to receive the money and see the work performed. The Governor and Council decided so to apply the fund, and desired the Delegates to propose what might be expected to be sufficient for each county.

May 13. A message was sent to the Assembly, enquiring if they had come to any resolutions in reference to the proposed conference concerning the Laws.

Petition of the Vestry of St. James's Parish in Ann Arundel County read, praying an Act of Assembly to oblige and empower the Hon. Thomas Tench to lay out and ascertain 100 acres of land given to the Church of that parish by Mrs. Elizabeth Rigby and her husband, Mr. James Rigby. Recommended to the House of Delegates.

Petition of Mr. Peregrine Brown, praying remittance of the duty on 26 negroes who died before sale, read and referred to the House of Delegates.

Petition of the inhabitants of the upper end of King and Queen parish and the inhabitants of William and Mary parish in Charles County read, and referred to the House of Delegates for an Act to be made for redress of their complaint.

The widow Morton's petition read and recommended to the charitable consideration of the House.

Petition of Jasper Yates of Pennsylvania, Merchant, praying that Mr. Nicholas Milburn's Estate in this Province may be sold for payment of his just debts, also the petition of Mr. Robert Grundy and Mr. Nicholas Lowe, executors of the said Milburn, praying the same, read, and recommended to the House for an Act to be prepared therefore.

Petition of Col. William Whittington, late Sheriff of Somerset County read, praying remittance of a fine of 1,000*l*. of tobacco for not returning his writts in time, because the sloop was cast away by stress of weather. Fine remitted.

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Petition of the inhabitants of West Elk and Bohemia Hundréd read, complaining of the neglect of their Minister and Mr. Sewell, read and referred to James Frisby, Esq., and Col. John Thompson, to enquire into.

The House of Delegates desired an account of the arms in each county. A Conference was thereupon desired.

The House of Delegates sent up their resolve, upon the Conference, that the Laws in question (May 9) remain under the present establishment until H.M. pleasure be known.

The Conference desired above was held, and the Delegates sent up their approval of H.E.'s proposals, and desired that they might be reduced in writing. They were, that the Colonel of each County should view the arms and keep them in good repaire which are now serviceable, and gett all the rest mended, and what the charges amounts to in each County draw a note upon H.E. And since experience shews the great spoyl has been made in sending the arms abroad, and it is believed that most of the Countys have already arms for their present defence, and in case any are not so supplied, upon application to the Governor they will be furnished, and for the better preserving of the arms for the future in case of a Christian enemy, it is adjudged necessary that a considerable quantity of arms be lodged here, and the Government will take care to provide a fit person to attend the arms here, and keep them in good order at ye charge as you have requested, so that they will be readier to be dispersed, as necessity shall require.

The Governor and Council sent a message to the Delegates that, whereas the Free School we now sit in has been built a great measure by the subscriptions of several private persons well affected to that good design, who are desirous to see the good effects thereof; it is recommended to your House to consider how the best use may be made of the said House, it being now finished, and also that you will take care to provide some convenient sitting place for H.M. Council to sit in in Assembly times for the better dispatch of business, and likewise for an handsome place for ye arms to be lodged, where they may be hung up, there being a considerable quantity to be lodged here.

The Rangers' Account was referred to the House of Delegates.

The Delegates sent up a message agreeing to the Governor's proposals about mending the arms.

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The Delegates sent up a message that the Constitution of the country would not admit of any better law to be made for rendering the Militia more useful, to which this House concurs.

Governor Nicholson communicated to H.E. the proceedings of himself and the Council of Virginia as to the embargoing of ships outward bound for England, and a letter from the Secretary of the Admiralty as to the relief of H.M.S. *Shoreham* by the *Southampton*. (*Entered.*) H.E. required the Board's advice whether the ships now outward bound from the Province should be at present embargoed and obliged to call upon the *Shoreham* at the mouth of James River and take her convoy home.

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All the Board, saving Mr. Frisby and Mr. Tench, say that they do not think it advisable, for that we have received no certainty of a war declared, but that the several Collectors and Naval Officers give notice to the several Masters of ships clearing with them that they may, if they think fit for their better security, call in Virginia and take the opportunity of the *Shoreham's* convoy, of which H.E. the Governor of Virginia has been so kind to give notice to this Government.

Read some proceedings of the Governor and Council in Virginia relating to Capt. Peter Cood, and H.M. advice-boat *Messenger*.

H.E. is pleased to request H.E. the Governor of Virginia that in case any convoys arrive to carry home the ships now in the country for England, he would be pleased immediately to dispatch an express hither to give notice thereof, the charge whereof shall be thankfully satisfied by this Province. [C.O. 5, 744. pp. 55-75.]

May 12. **435.** Journal of House of Delegates of Maryland. Col. Ennals appeared and was sworn a Member.

The Treasurer and Naval Officers were summoned to bring their accounts on Thursday [May 15th].

Committee appointed for enquiring into Grievances.

Committee appointed to consider if the public levy be paid in money.

Petition of the Vestry of King and Queen parish in St. Mary's County, concerning the distance of their Church and Chapel etc., was read.

Petition of some inhabitants of St. Mary's County for the removing the County Courts or dividing the county read and referred for consideration.

Petition of Gerrard Slye and other inhabitants of St. Maries County, praying relief for the excessive charge of the Commissioners of the said County allowed in their levays by a tax on their inhabitants, read, and ordered that the petitioners be referr'd to the Common Law for their remedy, and that they apply themselves to H.M. Attorney General for that purpose.

Petition of John Brannoch, complaining that the Sherif of Dorchester County, by virtue of a power from the Justices of the said County, delivered the possession of certain land belonging to him called Chance, to Mr. Henry Hill contrary to law, and praying relief, read and considered. The House was of opinion that the petitioner have his remedy at law, to which he was referred. (*And see preceding abstract under date.*)

May 13. Col. Whittington was granted his liberty to depart the House.

Ordered that the Serjeant attending bring before the House Wm. Barton, Sherrif of Prince George's County, to answer his mistake in returning a wrong indenture for Thos. Greenfeild, Member for Prince George's County.

The Committee, appointed for considering the conveniency or inconveniency of advancing money for payment of levays, delivered their report:—They considered a paper of reasons submitted for paying all public dues in money, and resolved that

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the difficulty appeared to be that tho' the wealthy part of the Province might comply with such a law, and it might in a great measure advance trade and introduce money, yet the poor will be more oppressed than now, because they will be under a necessity to purchase money from them that have it at what rates they will sell it. "To accommodate the matter to the ability as well of the poor as the rich till time and experience shall ripen us for further steps, we propose that if the law be qualified with a liberty to those that cannot get money by a certain time in each year, to pay Tobacco, it might encourage those that good [*could* ?] get money to pay publique dues in it, if they thought it advantageous to them, and by that means draw money in, and then if the poor could with their moveables get part of it, they might in time come into the same payment, but in the meantime we would enjoyn them to what at present appears impossible for them to perform. We propose therefore the following scheme:— That the Sherrif shall be obliged to receive all publick dues either in money or tobacco at the election of the payer, provided such persons tender the money to the Sherrif by the first day of January yearly, but in default of a tender thereof at the time aforesaid, then it may be lawful for the Sherrif to execute for the same as heretofore he used to do, and further that any debt due to him from the County or Parish shall be obliged to take the same in money or tobacco proportionable to the money, and to be received by the Sherrif, and the tobacco to be valued in money by the Commitioners in each county, in Novr. Court yearly, and all publick officers' fees be also paid at the election of the debtor in money at the price current so as aforesaid annually rated every November Court. Also all practitioners in the law in any of H.M. Courts be obliged to take and receive their fees in money at the prices aforesaid sett, or in tobacco, at the election of the debtors. That if the publick officers put not their list of fees into the Sherrifs' or others' hands before the first of January in every year, the party debtor be no ways obliged to answer the same that year."

The House concurred intirely with the above report.

Mr. Barton, Sherriff of Prince George's, appeared. Ordered that he immediately send downe to this house the indenture acknowledging himself to be under a mistake by sending a wrong indenture for Thos. Greenfeild. Thereupon is dismiss. It appearing to the House that though Mr. Greenfeild has been legally elected therefore [*sic*] resolved he continue in the House.

Mr. Dent, Mr. Cheseldyne, Col. Loyd, Mr. Tilghman and Coll. Holland were appointed Commissioners of Laws and desired to repair to their Committee.

Upon report to this House of the effect of the conference upon the subject mentioned in the message of the 9th inst., resolved that the said laws remain under the present establishment, until the King's pleasure be known. This resolve was sent up.

Petition of Henry Hall, principal Vestryman of St. James' Parish in Ann Arundel County, and others his brethren, to grant an Act for confirming glebe land pursuant to the will of

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Eliz. Rigby, decd., read. Ordered that the petition be sent to the Committee of Laws to prepare a bill accordingly.

Petition of Peregrine Browne rejected.

Petition of Mary Morton, begging the charity of this House, was read and rejected, petitioner being referred to the Comitioners of the County.

Petition of the Vestry of William and Mary Parish and King and Queen Parish in St. Mary's County, praying for a law to divide the said parishes, was referred to further consideration.

The Committee of Laws reported that the present law for regulation of Militia has been examined, and they considered it sufficient, if put in practice. (*And see preceding abstract under date.*)

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The Committee of Aggrievances reported that (1) it being offered to them as aggrievance, that whereas several persons, when the deceased are much indebted and leave noe personal estate, but great quantity of lands, which descend to their heirs, whereby their creditors are left without remedy, the Committee humbly moved whether it be not reasonable to prevent the same by a law. (2) It being represented as a grievance that whereas any persons having Commissions from H.E. for ranging after wild chattle and horses in the woods and forest, and under that pretence drive away several horses and cattle out of the necks and lands adjoining to many Plantations, the Committee offered whether it may not be necessary that a law be made to prevent the abuses aforesaid, and likewise the opinion of the House what shall be deemed wood and forest land, and what age the cattle and horses must be of that are under the censure of this law. Which being read and considered :—

Resolved that (1) be wholly rejected. (2) That a Bill be prepared for remedy.

A law for Itinerant Judges being proposed by a Member of the House, it was referred to a Committee to compute the charge and conveniency and ill-conveniency thereof.

Committee appointed for enquiring into ye repairs of the Store-house for arms and to contract for the same.

The report of the Committee concerning payment of leavys in money was ordered to be sent to the Committee of Laws, to prepare a Bill.

Petition of King and Queen parish etc. again read, and referred till next Session. Ordered that a message be sent to H.E. to interpose his authority that Mr. White, mentioned in the petition, may be paid the 40 per pole to some equivalent satisfaction for the time of his service in the upper part of King and Queen parish, and that H.E. will please to compel the vestry to render an accompt of the 40 per pole to H.E., or to some parsons as he shall please to substitute.

Resolved that the Printed Laws be examined and corrected by the originals. Committee appointed for that purpose.

Bills, investing a tract of land in Dorothy Stevens and on St. James' Church, and for the naturalization of several persons, read the first time and ordered to be read againe to-morrow.

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The proposed Law about Itinerant Judges was rejected.

The Committee for enquiring into the repairs of the Store-house for arms delivered their report (*in detail*). Richard Beard was appointed to carry out their recommendations. (*And see preceding abstract under date.*) [C.O. 5, 744. pp. 183-208.]

May 13.
New York.

436. Mr. Livingston to the Council of Trade and Plantations. Since the death of Lord Bellomont, coming to the sight of the copy of your Lordships' representation upon his letters relating to Naval Stores and ye security of ye Plantations, and having had long experience of ye affairs and circumstances of this Province and ye honor to bear sundry employments in the Government of N. York for many years past, I thought it my duty to make some observations thereupon. His lordship's representation that the defence and preservation of New York is of ye utmost importance to ye security of all the rest, is a truth very worthy of H.M. regard, to which I add that in time of peace with France and Christian Princes this Province is better able to defend itself against ye Indians than any of ye neighbouring Colonies on either side, and if the Canada Indians can have peaceable and undisturbed passage throw our Indian country, 'twill be an easy matter for them to destroy and dispeople those noble and beneficial settlements of Virginia and Maryland as well as ye other Colonies, for (1) the French by their artifices and unwearied diligence have already made a very great interest amongst our Indians of ye Five Nations, and that with many of ye principle men amongst them, and thogh the Indians are believed rather to be influenc'd with fear then love of ye French, yet when the French shall have extended their settlements and treffique as farr into their country as their forts and garrisons, they will undoubtedly carry them, unlesse ye English do vigorously bestir themselves in extending both their forts and settlements to ye westward, on ye south side ye Lakes, equal to theirs in strength and figure (if not exceeding them). (2) The scituation of ye rivers of Canada and those which passe throw the English Colonies are indented at ye heads of ye branches in ye Indian country, favour their passage and are multifarious. (3) The manner of their fighting which is cruell as it is cowardly. They divide into small parties of 2, 3, 4 or 5, sometimes more, and are careful to keep themselves undiscovered until they have done their mischeiff, after which they immediately retreat, and take a pride in lying 8 or 10 days together, sometimes longer, under cover of an old tree or fence, neer to a Planter's house, in which time they feed upon a little parched Indian corn, which they carry about them, until they surprise the Planter at his labour in his field, and, being extraordinary marksmen, shoot him down as if he were a deer, and scalp him, or finding the men at work from ye house, will barbarously murder the women and children, sett ye house on fire and escape, leaving ye poor men vanquished with consternation. (4) The inhabitants of Virginia and Maryland as of most of ye other Provinces are scattered at a distance one from another, so cannot be well defended, with regard to which

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circumstance this Province has some advantage, as well as in skill and experience of ye Indian manner of fighting. (5) If the Five Nations should once open this passage to them, 'twill be hard to distinguish the French Indians from ours, being originally of one kindred and language, and will be apt to joyne with them, having often expressed their resentments against these Colonies at their treaties at Albany, for not giving them assistance in the late war against ye French, and complain'd that, being linked in ye Covenant Chain, they did not send and unite a sufficient force to drive that handfull of French in Canada into the sea, and for leaving them in the extremity to shift for themselves with the little help given them from Albany, by which means they have been spent and wasted with a tedious long warr, which an united force could have made an end of at one push, and this is the cause of their diminution [*sic*] and creeping to their enemies the French, against whom they are naturally prejudiced to have an aversion. And altho' the French Governors are pleased to call their Indians subjects of the French King, and our Governors the Indians of the Five Nations subjects of ye Crown of England, they doe not so understand it, but look upon themselves in ye state of freedom, nor was it possible for us to keep them from burning of their prisoners in ye late war after their own manner, otherwise than by buying of them from them as they passed our frontiers.

The second thing represented [*by Lord Bellomont*] is the condition of our forts, and is a sad truth. By ye establishment of ye four companies there is a surplusage of 30 per cent., which is appropriated to paying a chaplain etc., and the remainder to ye repairs of the Forts. This would amount to 1,690*l.* per annum, and would go a great way to put these forts in repair. I suppose the want of this money is ye cause of their ruine, for ye Victuallers and Officers are much in arrear, and were told by ye Earl that (of ye little they had received) he was in advance to them out of his private fortune, which they are very willing his administrators be re-imbursed by H.M. out of the readiest of their money.

The third thing represented is the case of ye souldiers Their pay here is 40 per cent. worse then sterling. Col. Flecher has had 36 per cent. for bills, the new coynage of ye money and some protested bills being returned about that time lowered their value; were the bills punctually paid they are worth 40 per cent. currant in N. York. His Lordship and ye Council since his death have had 33 per cent., which 3 parts is a gain, altho' they have the vanity to get the thanks of ye House to some of them for advancing money upon credit of that subsistance. The merchant of N. York has no better way of making returns, especially in time of war, when there is no risk in bills of exchange. Cloathing and drink are double ye price of what in England, a pot of beer costs 4½*d.* To keep the soldiers from working and to duty (with submission) is a hardship next to starving, and to let them work (hiring their duty) spoils their discipline and manners. A labouring man at N. York has 3*s.* a day and a soldier's week's subsistance is but 3*s.* 6*d.*, which with ease they consume in two

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days, and this is a great cause of their desertion. Capt. Leysler when he kept the Fort gave his men 18*d.* per day. This day, May 13, were ye souldiers in New York called together and made acquainted that ye 30 per cent. was taken off from their pay, but 10 per cent. still stopt for ye sick and incidents, and ye Victuallers and Officers complain that they are kept ignorant how far his Lordship's agent has received of their money. This new Establishment is to commence ye 17 May, 1701.

The fourth Representation is of ye Five Nations. I need not enumerate the advantages arising from their firmness to this Government, they having fought our battles for us and been a constant barrier of defence between Virginia and Maryland and the French, and by their constant vigilance have prevented the French from making any decent that way. The long war and ye great losse which they sustained in their youth, hath almost dispirited them, and now since ye Peace, ye French having been so sencible of ye mischiefs, which they did them, have applied their cheefest artifices they could invent, either to gain them to their side, or so to terrify them that they might be in continual fear. *Refers to his Observations sent to Lord Bellomont last year, enclosed. Recommends the planting of Ministers among the Indians.* "It will be absolutely necessary yt. all the passes between ye French and them be secured and forts built in suteable places for the security of their Trade and ye preventing ye French from any longer deluding or tradeing with ym., for it is equally reasonable that we should secure ye trade of our Indians to ourselves as the French doe theirs, and even use ye same methods of force for ye effecting of it. Those forts being built at proper places will for ever prevent ye French from makeing any descent upon them.

His Lordship gave a true relation of ye strength and diligence of ye French in Canada, to which I add that they are making a considerable settlement at ye mouth of ye great river Misasipi, and are endeavouring to extend their settlements thence to Canada to encompass ye English behind between ye English [*sic. ? French*] and the Spaniard, there being very easy land passage by water, two several messages were sent thither from Canada to M. D'Iberville the summer before last. One of the messengers, a Jesuite, was sett on shore from ye man of war last summer at N. Yorke, and returned to Canada by way of Albany. His Lordship's proposal about repairing the Fort at New York and Albany and Schenectady may be effected by ye arrear of ye 30 per cent. already due, which, in upwards of four years' time, amounts to about 7,000*l.* As for ye two new forts, 'twill be very much for ye interest of ye Crown and ye safety of all ye English Plantations on this northern Continent, such forts and more of ym. were erected now in time of Peace, and yt settlements were extended into ye inland countrey towards ye Lakes, but is too great an undertaking for this small Province alone, nor is it reasonable to expect it from them, as it is a general concern, so it ought to be a general charge. And 'tis but reasonable H.M. subjects on this Maine should take upon them ye

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charge of building such forts and making such settlements at present, and if proper measures are taken may be done without much present smart and will undoubtedly be of advantage to them all in progress of time."

Reasons why this great undertaking of building of new Forts and extending ye English settlements into ye Indian Country is not to be effected, as begun, by this Province alone. (1) All ye steps and proposals hitherto made towards this end have proved abortive, and ye money already expended for want of conduct is to no manner of service. The 400 wheelbarrows which were ordered to be built at Albany all falling to pieces. The 1,500*l.* raised and the 500*l.* granted by H.M. for finishing ye Fort at Onnondage will not pay ye charge of carrying up the wheelbarrows thither, and has this ill effect upon ye minds of ye subjects, to make them backward from advancing money to be squandered away and converted to other uses, and now its not known where this Fort is to be scituate. (2) The scituation proposed is 300 miles distant from Albany and difficult accesse, and ye furthest English settlement at present is about 34 miles from Albany. (3) The Indians in our friendship are not desirous of any such fort, but much ye contrary are wholly averse to it, which appears by their neglecting to give any answer to that proposition made by Lord Bellomont, and the prejudice they did conceive against Col. Romer, who went to view the place, but was forced to abscond in ye bushes whilst his fellow-travellers convers'd with them, who all returned to Albany without being permitted to come within 40 miles of ye point proposed for ye Fort. (4) The French have a great influence over our Indians, and have a regular fortification of stone and lime garrison'd at Cadarachqui opposite to it, on ye north side of ye Lake, which gives easy water passage. (5) The Assemblys of ye neighbouring Provinces, which command their passes, will always have this argument to offer their Governors, that their advice and consent was not asked by the Governor of New York nor ye inhabitants to the building such Forts, and if ye people of New Yorke had not had some private ends of trade in prospect, they would never have been so foolish to undertake such a burden without their knowledge and consent. (6) We have late experience how ineffectual his Majesty's Circular Letters in ye late warr did prove appointing ye severall Governours to send Commissioners to N. Yorke to agree upon certain quotas of men and for a supply of money, and though the Governors of Virginia and Maryland did prevail with their people to assist us with some money, yet could not prevaile with them to send any men; some of ye Commissioners came, others came not; those that came refused to act without ye rest, and gave reason enough to believe they were fond of ye opportunity of that colour by the various excuses, objections, doubts, fears and jealousies, so parted doing nothing.

The carrying on of this design of extending the Christian settlements and English Forts into ye Indian Country, is best to be done in time of peace with France. To this end, one form of

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government should be established in all ye neighbouring Colonies on this main Continent; they should be divided into three distinct Governments, Virginia and Maryland being annexed to South and North Carolina, some part of Canetticut, New Yorke East and West Jersey, Pensilvania and Newcastle added together, and ye Massachusetts added [to] New Hampshire, Road Island and ye rest of Canetticut. According to ye regulation of quotas proposed by your Lordships for raising 5,000*l.*, there should be raised annually for ten years following 15,000*l.* towards that work, and Commissioners be appointed from each of ye three Governments to be at Albany and give their advice and oversee the management and disposition of ye money to those uses and not otherwise, accounts to be remitted quarterly to H.M. and to ye respective Governors. H. M. to send over arms, artillery, ammunition, spades, shovels, pickaxes and falling axes for the said service, with soldiers to garrison the said Forts and defend ye Labourers. A certain quota of labouring men to be had from each government to work at the Forts, to be paid out of the said money, as are all other charges. H.M. subjects to be encouraged to extend their settlements into ye country under cover of said Forts by ye liberty of ye Indian trade, without being imposed upon by ye City of Albany or any other town or city. The City of Albany always practised to hinder such settlements because they have engrossed the Indian trade in this Province, and having built large houses and made good farms and settlements near to Albany, care not to leave them to goe further into the country, and will not suffer others to goe beyond them to intercept the trade, and ye giving of land gratis to Soldiers or Planters (who know better how to use it) will not tempt them to remove so farr into ye country, the Indian Trade will doe it, as ye inland country comes to be settled, it will be valuable, not before. The Soldiers should be recruited every two years with 200 youths from England, and at every two years' end, 200 or $\frac{1}{2}$ of the soldiers be disbanded and left to their liberty, and if they stay to have land assigned them gratis; this may be a means to strengthen the frontiers and extend settlements; at present this Province has no benefit by the soldiers who desert; they cannot live in this Province, but get into the neighbouring Proprietary Governments, where they are connived at and protected, notwithstanding their magistrates, when applied unto, colour it with a fair show to the contrary. As to the augmentation of the number of forces, I beg leave to be plain with your Lordships, that for these three years past, what were above two companies of 60 each have been of little more service to the country then the bringing of so much money from England for their subsistance to be spent amongst us, and the bringing the ship *Hester* from Amboy, which the inhabitants of East Jersey would have opposed by force, if they had not dreaded the red coats. Two companies lie in garrison in ye Fort in New York, which is of very little strength or use more then a convenient lodgement for ye King's Governor, and a few to keep centry at his door, may doe well enough in time of peace at N. Yorke; were this proposeall of ye new Forts and settlements

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going on, there is an absolute necessity to have disciplined soldiers in those forts to keep and defend them. Soldiers from Europe cannot fight in ye woods here according to ye manner of fighting in Europe ; I beleve (I may say it without vanity) that our youth of Albany understand ye wood fighting better than any. By that time ye soldiers have served their four years by their fowling and hunting along with our youth and ye Indians, they will have learnt perfectly to understand ye woods. To make a souldier work to answer an enlargement of his pay is to alter the nature of the man. Idleness is ye great motive to many of them which makes them leave their trades and enter ye King's service, and tho' they are willing to work when they please and can have liberty, yet will not like to be compelled thereunto, especially for one third part of ye wages which a negro slave receives every day in New Yorke for splitting of firewood and carrying ye hodd. My Lords, 'twill be necessary that every fort have a Chaplain in it, who may likewise instruct ye Indians in ye Christian religion, as your Lordships doe well approve.

As to the production of masts and other Naval Stores in this Province, I am told those that are already cut are not so large as the dimensions the Earl did notify, and are now on ground above ye Falls, and cannot be got down until the fall of ye leaf, that ye rivers are up ; there is yet no experiment made of getting any down ye Fall. Some are of opinion that ye Fall will spoil them, some otherwise ; it is about 40 foot perpendicular and for two miles above it shelving, which makes ye stream so rapid that none dare come neer it with a cannoe. I doubt ye masts will receive dammage in ye falling. There may probably be bigger trees found where more pains is taken to seek them out, and I make no doubt but in processe of time other Naval Stores may be had as good as any. Our people here at present do not well understand ye making of tarr, pitch and rozin, and will easily learn. The only obstruction at this present is our want of people and ye high wages of ye labourer, which is already much more moderate in New England than in New York and will in time be reasonable as ye country improves and abounds in people, of which we have good prospect, this being as healthfull a country as any of all H.M. dominions, and abounds with wholesome provisions, and though the greatest part of our soyle is barren otherwise then off pines and large timber on ye rocky mountains, yet we are a nursery of people both for ye West Indies and ye neighbouring Provinces, to ye one they go being in haste to get rich, to ye other our young men, brought up to husbandry, remove in flocks, to settle the new country (as they call it), where they are free from taxes, and being detach't in time of war, and there is indeed a better soil. May it please your Lordships, that his Majesty may receive no ill impressions of his subjects here, and that there be no discouragement from so advantageous and desired an undertaking as ye making of pitch, tarr and rosin in this Province, and furnishing of masts and other Naval Stores. I durst engage for ye inhabitants of ye whole Province, they will freely give their consent, and encourage that H.M. shall cutt

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down any such masts or timber as may be for ye service of his Navy Royall, upon any of their lands, upon asking of ye question, or for some inconsiderable acknowledgement, which to rend from them by violent means, and to put it in ye power of any Governours to practise upon them to encrease their private interests and base ends, would be of very pernicious consequence to the subject, putt them into extream convulsions and disorder, and divide between ye affections of his Majesty and his people, which would want such a constitution of government to support itself as is made up of military disciplin'd Captains for Councillors and Sergeants and Corporalls for Sherriffs and Justices of ye Peace, which will never enter into ye heart of so gracious a Prince to establish amongst us.

His Majesty has been graciously pleased to send over a large present of 800*l.* sterl. value, which is in ye Countess' lodgings in ye Fort, and being well husbanded might be of better service to H.M. and have its proper effect with our Indians. There is a custome among ye Indians to make return of a suteable present in beaver and peltry to our Governors, which they have to themselves as a perquisite, which tempts our Governors to be lavish and outvy each other in ye greatnesse of ye present. Ye last which ye Earl gave at ye charge of ye Revenue of this Province was so great that ye Indians sold part of it to ye inhabitants of Albany for bever skins to add to their present, which they had brought with them for H.E. to make it answerable. And all such publick gifts are most exactly sub-divided to every Indian of their Nations by a naturall principle they have of distributive justice, which is ye cause that those of them who are most in ye French interest, and are aiding to ye debauchery of ye rest, have as much as those who are firm to ye English, and we can distinguish them, and ye present might be husbanded and ordered to a farr greater advantage.

Now there are great apprehensions of a warr with France putts me upon other thoughts and brings me home to consider of ye preservation of what we have in possession, which indeed were best to be provided for in ye time of peace, but will be well if it is now done out of hand. I have no other end before me then H.M. service and ye safety of this part of his dominions, which is of very great consequence to ye interest of England. As it is of the utmost importance to ye security of all ye rest of H.M. Provinces in this Northern Continent to defend and preserve this Province, it also consequently follows that it is of like importance to ye French to take it, for ye same reasons, to which I add that ye French of Canada are settled in a climate too cold for them, where the winters are long and extream sharp, their country is not capable of so much cultivation and improvement as to produce provisions enough to maintain ye inhabitants and garrisons, who have their supplies in great measure from France, as also ye French settlements in the West Indies have the like want of provisions. This and the neighbouring Provinces does abound with all manner of provisions and are of great use for ye support of all ye English settlements in ye West Indies, as well

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as for ye advantage of trade with ye Spanyard, ye Dutch and other nations in ye West Indies, which trade of provisions and slaves are the two chieftest commodities for which the merchants in Jamaica and others have gott such great quantities of Spanish gold and silver. And altho' ye greatest part of our Province is barren, yet that which is good is very fruitful.

The small and inconsiderable forts which we have, as they are not capable of being a reasonable defence to us, so they will be a disservice to facilitate a conquest by ye enemy, their being taken giving present foothold, until the enemy shall erect better and stronger, which the French are well acquainted how to doe, and ye entrance of our river from ye sea is easy, well known to ye French and undefended, and if once ye French should get possession of ye lower part of Hudson's River, Albany could not pretend to be able to stand it long out, when attackt on both sides. And there is great reason to suspect that M. de Iberville ye last summer came bither with his fourth-rate man of war from Misasipi of purpose to sound our channell, which his men in boats perform'd every day neer a month together without interruption.

The harbour of Boston is well fortified by a breast-work of 50 great guns on Castle Island about a league from ye town, and their channel is so narrow that ships must come very neer this battery ere they passe. Delaware River is not fortified, but Philadelphia, their most considerable town, is a great way from the sea, and there are some shoals and difficulty in bringing a ship of any burthen up to ye town, and ye falls thereof are in ye same latitude with ye mouth of Hudson's River. Hudson's River is the settlement lies opposite and contiguous to Canada, ye head of which River has been a tragical theatre for action in all ye late war, where the French of Canada were foiled, and received ye greatest loss, and in all ye war not one foot of ground was lost by us to ye enemy that way. These considerations are enough to put the French King upon ye attempting of this River with a small squadron of ships and some land forces.

Our Governor is lately dead, and the Lieut.-Governor absent at Barbados; our people are divided, and the command of ye Militia as well as ye Civil Government put into ye hands of ye meanest of ye people, most of a foreign nation, who are prejudiced against the English and strangers to Government, and ye richest and most considerable part of the people turn'd out of all offices in Government. H.M. Revenue is very much anticipated, and ye debts of ye Government due upon ye Revenue are four times so much as they were upon ye breaking up of ye warr, when H.M. was persuaded to annex this Province to Boston. H.M. Forts are all going to ruine, ye sodwork of that in New York is all to pieces, and the walls wants new pointing, ye pallsadoes round ye Fort (last winter) were cutt down and burnt for firewood, and new carriages are wanted to ye guns, some of them being dismounted, others scarce able to abide once firing. There are two platforms before the City with 15 guns each to defend it against the water; one is washed away by the S.E. storms and high tydes, and the other ye Magistrates of our City saw cause

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to give away to the Widdow Leysler as a present, the ground between high and low water-mark to ye value of 2,200*l.*, which is since laid out in lots and some part of it built upon. The breast-work and pallsadoes, which were round ye town, and the two stone bastions on ye land side are quite demolished. They were never well built, nor of any great service, and were first erected by the Dutch Governor, when the Dutch took this Fort, as a defence against ye English from Canetticut and New England. The Forts at Albany and Shinnectady, the frontiers being of wood, are all going to ruine and unfit for defence. Our Indians are diminished and much shaken from their former vigour and zeal against ye French, and 'tis to be feared will make a total defection to them, when they see ye diligence and forwardness of ye French, if not timely prevented by our early appearing with our forces to their assistance on ye frontiers. And our neighbours on either side being of a different constitution of government, are divided from us in interest and affection, and rejoice at our divisions and distractions, by means whereof they increase in strength and riches; many hundreds of familys have removed from us, to avoid ye burdens of ye late war and being detach't to Albany, and there is also a great inequality and disproportion in trade between us and them, we having given to H.M. a Revenue upon ours to defray the charge of ye government, which they doe altogether evade, and the trouble which is oftentimes unnecessarily given by the Custom-house officers to ye shipping that come hither, upon meer nicetys, where it is manifest there can be no intended fraud, together with taking of bribes and extravagant fees, are a greater clogg upon our trade than is ye King's Revenue.

I shall now propose what I think necessary for the defence of this Province in time of war. (1) That a Governor be appointed who is a soldier, a man fearing God and hating covetousness, and who will administer impartially without siding with any faction. (2) That two large platforms be erected, one on each side the river at the place called the narrows, three leagues from the city, to consist of fifty cannon each, the channel there being upwards of one mile broad. The one may be covered by the inhabitants of King's County, who surround on ye East side, and the inhabitants of Staten Island and East Jersey may cover the other, on ye West side. The ordinance must be large and of a good length, which with ammunition and other necessary appurtenances must be had from England; the Platform may be built and kept in repair out of the Revenue, were it well husbanded. (3) 200 men to be in garrison here at N. York and these batteries; more may be easily conveyed thither upon occasion. (4) The Forts of Albany and Schinnectady to be built of stone and lime, which though they may be chargeable in the making, yet will prove better husbandry in ye latter end: the timber in this country is rotten when exposed to ye weather in 6 or 8 years time. (5) The inhabitants of this Province to be freed from detachments, unless upon invasion, and then they will go voluntarily. (6) 200 soldiers to be garrisoned at Albany;

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100 at Shinnectady; 60 at Canastagione; 50 at ye Half-moon; 50 at Skachkook; 40 at Kinderhook; 40 at ye Maquase Castle. All which forts lie round about Albany, and being well garrisoned will protect the farmers in their husbandry, which otherwise will all desert. (7) There must be 100 bushlopers or wood-runners, that is of ye youth of Albany, kept in pay about 7 months in the year, at 3s. per day, whose constant business shall be to move every day in parties round those frontier garrisons round Albany, as is ye motion of ye pendulum of a clock; when the French Indians find the tract of a man's foot in ye woods, neer an enemy's country, they are presently in consternation and daunted, and are very dexterous in discovering of it; this with skouts kept continually out to range the woods from the several smaller garrisons will be a means to secure our fronteers. (8) It is also necessary that we have at Albany a good magazeen, as ye French have at Montreal ready upon all occasions, besides firearms, powder and ball and ammunition, they have burch canoes and paddles, battoos, bushlopers' coats and caps, ready-made mittens, snow shoes, Indian shoes, stockings, blankets, dried bacon, bisquet, Indian corn etc. ready in case of an attaque or invasion, and officers are appointed who have ye charge of all these things and keep them from spoyling. (9) It will also be needful that H.M. give his orders generally to his dominions on ye Main, for ye mutual assistance of each other in case any part be particularly invaded; (10) and that a good fourth-rate fregatt doe attend this coast in ye beginning of April, and continue to ye beginning of November every year during the war. She can be of no service here in ye winter months, when we are sufficiently protected by the north-west winds and ice. *Signed*, Robert Livingston. *Endorsed*, Recd. 8th. Read July 9, 1701. *Holograph*. 22 pp. *Enclosed*,

436. i. Abstract of preceding. 4½ pp.

436. ii. Observations made by Robert Livingston on his voyage to Onnondage, April, 1700, humbly offered to H.E. the Earl of Bellomont. *Duplicate* of report abstracted *Calendar, A. and W. I.*, 1700, No. 466.iii. *Signed*, Rt. Livingston. *Endorsed*, Recd. July 8, 1701. 11 pp.

436. iii. Abstract of preceding. 2½ pp. [*C.O.* 5, 1046. *Nos.* 15, 15.i.-iii.; and (*without abstracts*) 5, 1118. pp. 343-383.]

May 13.
Boston.

437. Minutes of Council of the Massachusetts Bay. Commission and Instructions to the Commissioners going to the Indians read and approved. Orders given for paying for the journey and preparing the *Province* galley for her voyage. Wages of Capt. Cyprian Southack and two men for the winter paid.

Fees of Mr. Isaac Addington, Secretary, paid.

Account of John Leighton of Saco, for beef killed for the soldiers at Wells, 1690, ordered to be examined.

Advised that Col. Romer, lately come from New York, be desired to give his advice and directions referring to the workes about to be done at H.M. Castle on Castle Island, and with the Committee appointed thereto, to oversee the workes.

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Whereas the law directs that every listed foot-soldier be always provided with a well fixt firelock musquet of musquet or bastard musquet bore, the barrel not less than three foot and an half long, or other good fire arms to the satisfaction of the Commission officers of the Company, notwithstanding which most of them appear with arms no ways agreeable to the direction of the Law and very unfit for service, ordered that as well the soldiers lately sent to H.M. Castle to enforce the garrison there, as such others as from time to time may be detached and imprest for H.M. service there or elsewhere, appearing with arms unfit for service, shall be furnished with good fuzils or other good well fixt fire arms in advance towards their wages, to be charged therewith on accompt, and that Mr. Treasurer procure a certain number of suitable good fire-arms in readiness.

Licence granted to Robert Cumby to erect a kitchen of timber on his wharf.

Licence granted to Joseph Dowding to erect a timber house on his wharf on the northerly side of the drawbridge in Boston. [*C.O.* 5, 788. *pp.* 50-52.]

May 13. **438.** Minutes of Council of Bermuda. Ordered that henceforth no person or his slave go out to speak with or board any vessel out at sea without license of the Justice of the Peace of the tribe where he lives, under penalty of imprisonment for one year and a day. Exception made in case of a vessel in distress, but a speedy account thereof to be given to the next Justice of the Peace. [*C.O.* 40, 2. *pp.* 34, 35.]

May 13. **439.** Minutes of Council of New York. *Present as on May 6.* Ordered that the soldiers be acquainted that H.M. has been graciously pleased to take off the 30 per cent. deduction from their pay, only 10 per cent. to be deducted for incidental charges. Ordered that two anchors of wine be given them to drinck H.M. health. Orders to be sent by the next conveyance to Albany that the officers and soldiers there be likewise paid in sterling money, only deducting 10 per cent., and this to commence the 17th inst.

The Rev. Peter Brisac produced a Commission from H.M. constituting him chaplain to H.M. Fort at New York. Ordered that he receive his weekly subsistance accordingly, and that he read prayers in the great hall in the Fort to the officers and soldiers every week day at 8 of the clock in the morning, but that on the Sabbath day they do resort to the English Church until the Chapel in the Fort be finished. [*C.O.* 5, 1184. *pp.* 524, 525.]

May 14. **440.** William Popple to Mr. Lownds. Enclosing account of incidental expenses (*see* May 8) "that their Lordships may please to refer it to such Auditor of the Exchequer as they thinke fit, in order to the passing thereof and my receiving my quietus." [*Board of Trade.* *Miscellanies*, 11. *p.* 115.]

[?May 15.] **441.** Philip Ludwell to the Council of Trade and Plantations. Amongst all the misfortunes that have happened to the Colony

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of Virginia, none has of late years been more generally complained of than the neglect and irregularity of the Secretary's office. The Records under the Secretary's care have been very ill looked after, some of them having either been lost or mislay'd, and some suffered to decay for want of looking after; attendance has not been duly given at the office, it having for the generality been left to under clerks, who mind their interest more than their duty. Besides being disabled by gout, the Secretary lived upwards of 50 miles from the place, which occasioned a deputy to be allowed him, who also lives 15 miles from the place, so that the office was seldom or never visited, but at a general Court or Council times, when a hurry of other business hindered due inspection; so that business has often very slowly past the office, for reasons best known to the clerks, to the great vexation and expense of those who lived far off, which was indeed become almost a general grievance during the late administration, and the Records having never been submitted to the view of the Assembly (as was heretofore done) nor so free admittance to them, has given great fear and jealousy to many people that they have not been so well kept as they ought. It is submitted that the Secretary's office be put into the hands of such persons as may apply themselves to reforming these errors, the main weight of the business of that office having layne on the present Governor. *Signed*, Phill. Ludwell. *Annexed*, Since I had the honour to wait upon your Lordships I have heard from Virginia that since the death of the Secretary, H.E. the Governor hath issued a Proclamation confirming all Commissions under the late Secretary until further order. The practice in all former Governors' times has been, immediately upon the death of the Secretary to commissionate some other person under the Seal of the Colony, with advice of ye Council, untill H.M. pleasure be further known. *Signed*, Phill. Ludwell. *Endorsed*, Reed. Read May 15, 1701. $1\frac{1}{2}$ pp. [C.O. 5, 1312. No. 11; and 5, 1360. pp. 81-84.]

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442. Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. We have perused the extract of Sir Henry Ashurst's Memorial and are humbly of opinion that though there is no reservation of Appeals to his Majesty in the Charter granted to Connecticut, yet that an Appeal doth lye to H.M. in his Council as a right inherent in the Crown, and in case they refuse to allow the Appeal there, we think H.M. may proceed to hear the merits of the cause upon an Appeal made to him in Council, whether that Appeal be allowed or admitted there or not. *Signed*, Tho. Trevor, Jo. Hawles. *Endorsed*, Reed. Read May 26, 1701. 1 p. [C.O. 5, 1261. No. 5; and 5, 1289. p. 99.]

May 15.
Whitehall.

443. Council of Trade and Plantations to Lieut.-Governor Stoughton. Enclosing for his information, upon news of the death of Lord Bellomont, extracts of letters from the Board to the latter, relating to the Massachusetts Colony, such "as we

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believe will not have come to New Yorke before his death." Signed, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [C.O. 5, 909. pp. 407-410.]

May 15. **444.** Similar letter and enclosures, *mutatis mutandis*, to William Partridge, Lieut.-Governor of New Hampshire. *Same signatures.* [C.O. 5, 909. pp. 411-414.]

May 15. **445.** Richard Marsh and Edward Haistwell, of London, merchants trading in Virginia Tobacco to Spain, to the Council of Trade and Plantations. We have received advice that the King of Spain has issued out a Proclamation that no more Virginia Tobacco is to be brought into that kingdom, and that what the merchants may have in Spain, they are to export in two months, but if any found afterwards, it shall be burnt. Which is contrary, as we conceive, to the Treaty between the two Crowns. We therefore humbly desire that it may be laid before the King in Council. [*Board of Trade.* Trade Papers, 15. p. 197.]

May 15. **446.** Journal of Council of Trade and Plantations. Dr. Bray attending, the Maryland Act was further considered. Letters to Mr. Stoughton and Mr. Partridge signed. Letter from the Board of Ordnance, May 3, read. Mr. Haistwell presented a Memorial, (*see preceding abstract*), which was read.

Col. Ludwell presented a Memorial relating to the Secretary's place of Virginia.

Letter from Lieut.-Governor Day, March 18, read with enclosed papers.

Letter from Mr. James Moor, Carolina, Dec. 27, read.

May 16. Ordered that a copy of the Bermuda Act, and of the Address of the Assembly and Minutes of the Council of that Island, be sent to Mr. Attorney and Mr. Solicitor General, for their opinion, whether the said Act be in force or no.

Their Lordships now went through with the consideration of the Maryland Act for the establishment of Religious Worship etc., and ordered it to be transcribed.

Mr. Champante presented a petition to the Board. (*See under date.*)

Letters ordered to be prepared accordingly.

Report of Benedict Stafford, Admiral of the Harbor of Aquafort in Newfoundland the last year, received lately from Sir Walter Young, and the report of Robert Holdsworth, Admiral of the Harbor of St. John's, the last year, received lately from Mr. Povey, were laid before the Board. [*Board of Trade.* Journal, 14. pp. 31-35; and 98. Nos. 89, 90.]

May 15. **447.** Minutes of Council in Assembly of Maryland. The House of Delegates sent up a resolution of May 14, upon the petition of King and Queen parish and William and Mary parish for dividing the parishes, referring the consideration of the question till next Sessions of Assembly, that the House may have

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more light therein. And as to the other part of the petition, the House prayed H.E. to interpose his authority that Mr. White, mentioned in the petition, might be paid the 40*lb.* of tobacco per poll, or some equivalent satisfaction, for the time of his service in the upper part of King and Queen parish in Charles County, and that H.E. would compel the vestry of that parish to render an account of the 40*lb.* tobacco per poll to H.E. or some person appointed by him.

The House also replied to a message from the Council of May 13, referring the question of the Free School and room for the Council to sit, to the next Sessions. As to a handsome place to lodge the publick arms in, they have purchased houses of Major Edward Dorsey for that purpose, and it was ordered that a Committee should be appointed to go and view them, and report what repairs it wants, and the estimate of such repairs, and contract for the same, which had been done, and William Beard willingly will undertake the said work for 12*l.*, to be finished by the last of August next, if H.E. concur.

Three Bills were sent up to the Council, (1) a Bill investing a tract of land in Dorothy Stephens, sold her by Symon Wilmer, read twice and will pass. (2) A Bill for investing a tract of land in ye Vestry of St. James' parish, which was read twice, and will pass. (3) A Bill for Naturalization of Peter Scamper and others, which was read twice and will pass, if they be not French Papists. These Bills were sent down.

H.E. imparted to the Board that whereas he has received information that a certain Indian belonging to the Emperor of Piscataway, some say his brother, has been to apply himself to Mr. Pen at Philadelphia, who seemed to be inclinable to receive him into his Province, wherefore inasmuch as cannot at present be known what ill consequences may happen to the Province from their removal thither, whether it be not advisable to propose the same to the House of Delegates, for their advice how to prevent their removal. The Board held that there is no occasion of any such proposall to be made to the House, in regard that the Indians are disposed to go to the Province of Pennsylvania, we do not know how to prevent it, and further that this Board seem to be pretty well assured that Mr. Pen, upon H.E.'s letter to him, will not give them any encouragement, harbour or protection in his Province.

Petition of Lieut.-Colonel William Whittington, of Somerset County, together with John Hendry and Co., merchants, against the imposition of 2 shillings per hhd., Virginia Duty, by the Naval Officers for Accomack River, on some tobacco, the produce of Maryland, loaded in Accomack River. "Since H.E. Francis Nicholson, Esq., is at present here," petitioner prays that such measures be taken as H.E. may think expedient. The petition was recommended to H.E. the Governor of Virginia to be laid before the Council there for redress, and withal that, in case the petitioners be not redressed by H.E. and Council in Virginia, that orders be given Major William Dent and Mr. John Bozeman, Naval Officer of Potomock and Pocomoke, to require the

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Maryland Dutys on Virginia Tobaccos exported in ships cleared from Maryland.

Major Barton's two petitions, about a runaway servant boy and an Indian committed to his custody as Sherriff of Prince George County, were recommended to the House of Delegates.

A Message was sent to the House that, since by a paragraph of the letter of the Council of Trade and Plantations, Dec. 3 last, you cannot but observe their friendly advice that we should appoint some qualified person to be our Agent in England, we are desirous to know what resolutions your house have taken thereupon.

A Message was sent to the House that, it being experienced that the funds raised by the present Acts of Assembly now on foot for imposts are very inconsiderable for defraying the necessary charge of the Province, it is recommended to your House, that a further impost of 3*d.* per hhd. be laid upon tobacco exported, as being the least burthensome to the poor and necessitous people of this Province and scarcely perceptible to those that are capable of shipping tobacco.

A Message was sent to the House that, forasmuch as the affair of the Piscattaway and Aecockick Indians dos not yet seem to have the wisht for conclusion of their being come in and quietly settled among us, it is the opinion of the Board that the Rangers on the frontiers of Potomock should be still kept out for the better security of the inhabitants there, who, we have occasion to believe, upon their being drawn of, will be so far discouraged even to quit some of the externest [*sic*] settlements, to our dishonour and encouragement of our ill neighbours the Indians, who will rejoice thereat, therefore we desire you will considerably concert this matter, viz., whether they shall be further continued or totally disbanded, and give us your opinions and reasons for the one or the other. We further recommend to you by some Act this Sessions to continue the Committee for consulting what measures are to be taken for the safety and defence of the Province against the invasions and incursions of Indians as formerly.

May 16.

Petition of Thomas Reynolds, Sherriff of Ann Arundel County, setting forth that for the executions of three late malefactors he had not been satisfied, which being represented to the Board to have been always allowed to former Sherriffs, recommended to the House that he be allowed what has been usual.

Petitioner on behalf of John Bradcher (*also spell* Pracher) of Charles County, read. Considering the great age as also the corobenness [*sic*]* of the crime of which the law hath justly found him guilty, undersigned pray for his reprieve:—Thomas Beale, Henry Lowe, William Watts, Archibald Hetty, Richd. Clonds, William White, Philip Lynes, Thomas Collins, James Bigger, Thomas Greenfield, John Taylor, James Smallwood, Benjamin Hall, John Wight, Jacob Lookerman, John Le Counte, Hugh Eccleston, Thomas Ennalls, John Slye, Saml. Worthington,

* See Preface.

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John Bozmane, John Franklyn, William Dent, Francis Dent, Saml. Sickmore. The Council advised H.E. to grant him a reprieve till H.M. pleasure be known, and that the Province be not burthened with his imprisonment, that security be taken for his appearance when required.

The House sent up a Bill to encourage the importing coyne into this Province. The Board pointed out that it reencountered with the Act for Religion, and also that the Justices of the Counties thereby having such power given them to ascertain at what rate money shall pay tobacco, it will occasion great confusion and clamour, in that it is impossible all the Justices should agree as to the just value of tobacco, or that the tobacco in every County should be of like esteem. It is thought that there cannot be any effectual encouragement given to introduce coine among us, unless by raising the same equal with our neighbouring Provinces, which cannot otherwise be done than by addressing H.M. for his leave so to doe, and at this juncture H.E. seems to have a caution given him against the passing this Act by the letter of the Lords Commissioners of Trade and Plantations, Dec. 3.

A Bill for more speedy obtaining execution against persons flying out of the County, where judgment is recovered against them, was read twice and will pass. An ordinance proposed by the House for laying the Choptank Indians' land, read and assented to.

The House announced their resolution as to the appointment of an Agent, that the matter be referred till the next Sessions of Assembly.

The Delegates also announced their decision that the Rangers should be utterly disbanded, and their resolution that there be no more Committee in the vacancy of Assembly. They resolved that a Bill be prepared for advancement of an additional duty of 3*d.* per hhd. towards payment of the publick charge of this Province.

The Treaty made with the Delaware, Susquehannah and Sheoanole Indians by James Frisby, Col. John Thompson, and Capt. Edward Blay, ordered to be laid before the House.

Bills for investing land in Dorothy Stephens, and the Vestry of St. James', and for the naturalization of Peter Scamper, sent up, were read, passed and returned.

May 17. Petition of Edward Laddamore of Cœcill County for an Act of divorce, and declaring the children of his wife Elizabeth, begotten during her elopement, to be illegitimate, read and sent to the House, with a proposed bill on that subject.

Bill for more speedy executions sent up, read and assented to.

Bill for laying 3*d.* per hhd. on Tobacco sent up, read and amended, and sent down.

Ordinance sent up for a house to be built for the powder, 15*ft.* by 10*ft.* The Board recommended that it be 20*ft.* by 15*ft.*

Bill for the impost of 3*d.* sent up. The House had made the first part of the amendment as suggested: That the money be raised and paid to the King; but as to altering the word "levy" for "charge" in the second part, "and be appropriated to the

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defraying the publick charge of this Province," the House prefer "levy." But the Board conceiving the words "publick charge" to be the terms under which the Acts for former imposts have past, the first is rejected as novel, and the other insisted on as most proper. The Bill was returned with this endorsement.

Ordered that Richard Beard have 20*l.* ster*l.* per annum for cleansing, fixing and keeping the arms in repair now lodged in town, and that when more arrive, H.E. will be pleased to agree with him for them likewise out of the duty of 3*d.* per hhd. for arms.

Bill for the impost 3*d.* per hhd. with the alteration proposed was sent up, read, sent down, returned and assented to.

The House of Delegates, on consideration of the petition of Edward Laddemore for a Bill of divorcement and the Bill therewith sent down to them, resolved that forasmuch as the prayer of the petitioner is of so high a nature that the House do not think fitt to pass the Bill, but that if the Petitioner will appear the next Sessions of Assembly, and bring with him evidence to prove the elopement, then this House will take it into further consideration. Ordered that petitioner give notice to his wife Elizabeth, that she likewise appear, to make her defence, if to her it shall seem meet.

Journal of the Committee of Accounts was assented to and sent down.

Bill for paying the publick levy, sent up, was read, assented to, and sent down.

The Assembly desired that the Rangers be paid.

Ordinance for building a prison in the town of Annapolis, sent up, was approved of and assented to by the Board.

The House was summoned, and the Delegates attending, Acts for more speedy obtaining executions against persons flying out of the County; for laying an imposition of 3*d.* per hhd. for defraying the publick charge of the Province; empowering a Committee to lay, assess and apportion the publick leavy for 1701; investing tracts of land in the Vestry of St. James' Parish; and in Dorothy Stephens; for naturalization of Peter Scamper, of Prince George's County, John Debruter of Baltimore County, and John Debruter and William Debruter, his sons, together with the other sons and daughters of John Debruter, the father, born within this Province, were assented to. [*C.O.* 5, 744. pp. 74-92.]

May 15.

448. Journal of House of Delegates of Maryland. Proposed by a Member whether it be not reasonable that some provision of boates may be ordered for the conveniency of laymen living over the Bay to attend at Annapolis. Referred till next Sessions.

Proposal relating to some lands of Col. George Talbot, which is presumed to be ordered to be sold for refunding the country what tobacco the [*sic*] have paid for him, referred till next Sessions.

Bills read on May 14 read a second time, and passed for engrossing.

Petition of James Baker, Dorekeeper, for relief of his poverty,

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granted, and resolved that an able servant be forthwith purchased and delivered him for his relief in his old age.

Bills, to encourage importing coin into this Province, and for more speedy obtaining execution against persons flying out of the county where judgment is recovered, brought in. The first was read and amended, and the second read.

Jno. Bosman, Naval Officer for Somerset County, laid before the House his accounts, but forasmuch as he cannot prove it, longer time was given him.

The gentlemen, appointed to purchase a servant for James Baker, say there is none to be had in the town. Ordered that 3,000*lb.* of tobacco be allowed him this leavy and that it be lodged in the hands of Major Lowe of St. Maries' County, to purchase a good, able man-servant.

Petition of Jacob Regnier read and referred.

Resolved that a place be provided and built for lodging the public powder, and that Mr. Richard Beard be treated with as to building it.

The House desired Mr. Speaker to send for a ream of paper for the use of this Assembly, which was done.

Geo. Plater, Naval Officer for Puttuxant District, appeared according to summons and laid before the House his publick accounts. Ordered that he take his accounts, and make oath to them before H.E. and then deliver them to the Speaker.

Thos. Colliar, Naval Officer for William State, delivering his accounts, ordered similarly.

Wm. Taylard ordered 3,000*lb.* of tobacco for services done by him from the time of the decease of Christopher Gregory, late Clarke of this House, till he was appointed Clerk.

Petition of Phillip Lynes for allowance of arrears of public accounts was referred to a Committee.

Col. Thos. Ennals presented the following Ordinance, which was read: "Whereas the bounds of the land, formerly granted to the Choptank Indians by Act of Assembly, was never run out and ascertained, by means whereof several differences have arisen between the said Indians and English, and it was thereupon ordered that Col. Ennals, the King's Surveyor of Dorchester County, do resurvey the said land," and a Committee was appointed to assist him and make report to the next Assembly; in some short time after, Col. Charles Hutchins, one of the Committee, departed this life, by which reason the said order was not complied with. A new Committee was appointed to assist Col. Ennals to survey the lands.

And see preceding abstract under date.

May 16.

Bills for obtaining execution, etc. and to encourage the importation of coin, read a second time.

Bill for an additional 3*d.* per hhd. on tobacco, ordered to be prepared.

Petition of Major Wm. Barton, for an allowance of imprisonment fees for a servant boy in his custody, read. Petitioner was called in to explain. The House resolved that the Sherrif be satisfied for his imprisonment fees from the time the said boy was

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committed until his master disclaimed him, and that Prince George's County should pay the same.

Upon the report of the Committee for Election and Priviledges, resolved that Mr. Jno. Lecompt was duely returned as a Burgess for Dorchester County.

Upon the petition of Major Wm. Barton, ordered that Prince George's County make satisfaction of the Sherif's fees for imprisonment of an Indian, otherwise that the Indian do so by servitude to be adjudged by the Justices of the County Court.

Bill, to encourage importing of coin, having been read with H.E.'s remarks thereupon, was rejected.

Bill for laying an imposition of 3*d.* per hhd. upon tobacco was read the first time. It was resolved that this Act should continue three years and to the end of the next Sessions of Assembly which shall happen after the said three years end.

Bill for preventing the abuses of horse-stealers etc., read, and referred to the consideration of the next Sessions of Assembly.

Committee appointed to state the accounts of Phillip Lynes reported that they found all allowances justly due to him have been paid. Agreed.

Petition of Jacob Regnier, for removing the publick powder out of his house purchased of Joseph Hill, was read and considered. This House conceived that Capt. Richd. Hill had formerly let the house to the country for a publick storehouse for powder till such time they were better provided.

And see preceding abstract under date.

May 17.

Bill for an additional duty read the second time.

Committee appointed for assessing a publick levy.

Ordered that John Debenter (*sic*) of Baltimore County, for naturalisation of himself and children, pay the Speaker 4*l.* 10*s.* and the Clerk, William Taylard, 1*l.* 10*s.*, and Peter Scamperd pay the Speaker — and the Clark 1*l.*

Ordered that Wm. Bladen be supplied with Bills of Exchange.

Bill empowering a Committee to assess a public levy read twice and will pass.

Samuel Young appointed Collector on the Western Shore.

Petition of Mrs. Mary Vansweringen, for an allowance for arrears of Ordinary expenses due to her from the publick, was read and rejected.

Bill for the impost of 3*d.* per hhd. was read with amendments. Resolved that it continue but two years and to the end of the next Sessions of Assembly after the said two years.

James Smallwood, having shewed his urgent affairs calling him home, was granted liberty of the House to depart.

The Committee appointed to examine the printed Laws made their report. Mr. Bladen was sent for, and Mr. Speaker having acquainted him with the many erratas committed in printing the body of Laws, it was required by the House that he cause the erratas forthwith to be printed and sent into the several Countys, to which he readily concurred. Further consideration referred till next Sessions of Assembly.

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Journal of the Committee for examining the Publick Accounts was read, assented to, and sent up.

Petition of Dinah Devoran as to whether an Ordinary kept by her at the Ferry House, N. of Seavan River, outside Annapolis, be liable to the same penalties as the Ordinaries in Annapolis, considered. Resolved, that it be deemed a County Ordinary.

And see preceding abstract under date. [C.O. 5, 744. pp. 209-233.]

May 16.
Whitehall.

449. William Popple to Sir Thomas Trevor and Sir John Hawles. The Council of Trade and Plantations order me to send you the enclosed Act of the General Assembly of Bermuda for raising a Publick Revenue for the support of the Government, together with the Address of the Assembly and the Minutes of Council thereunto annexed, by which it appearing that there is some dispute there about the continuance or expiration of that Act, their Lordships desire your opinion whether by these papers it do appear to be now in force or no, and whether there be any thing contained therein that limits the continuance of it to any certain time. [C.O. 38, 5. pp. 159, 160.]

May 16.

450. Mr. Champante to the Council of Trade and Plantations. By commands of this Board, petitioner has acted as Agent for the Massachusetts Bay and disburs'd several sums, and now thinks himself engaged to further concern himself in taking out H.M. Orders in Council upon some Acts of that Province, for which further fees must be paid. Petitioner prays for an introduction and testimonial from the Board to the Lieut.-Governor and Council of that Province, to whom he is an absolute stranger. *Endorsed*, Recd. Read May 16, 1701. 1 p. [C.O. 5, 862. No. 52; and 5, 909. pp. 415, 416.]

May 16.

451. Minutes of Council of New York. *Present*, as on May 13. Col. Depeyster and Mr. Weaver being appointed by the Countess of Bellomont to desire the officers in H.M. pay to bring in their accounts of what pay is due to them from the Earl, they brought in some general accounts of pay due from the date of their Commission, but with no distinct charge of what due from the Earl of Bellomont, whereupon the Council ordered officers to attend, and gave them a copy of the account of all pay received by Lord Bellomont's Agent in England, prepared by Col. Depeyster and Thomas Weaver, to enable them to make a proper charge, and in order to prevent any unjust clamour from the said officers or the victuallers.

Richard Davis paid 41s. for sweeping chimneys in the Fort. John Maddocks, Storekeeper of the Fort, paid 41s. 9d.

Ordered that the Clerk of the Council prepare a Bill of Exchange signed by the gentlemen of the Council on their private credit for 100l. sterl. on John Champante, or the Agent of H.M. Forces for the time being, payable to Francis Gourdon or order, they having received the value thereof for the payment of the soldiers. [C.O. 5, 1184. pp. 525-527.]

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May 17.
Barbados.

452. Governor Grey to the Council of Trade and Plantations. I have received H.M. letter of March 16, with your Lordships' of the 25th, which with the other papers I have communicated to the Council. I cannot but wonder and stand amaz'd that such complaints should be laid before the King and Council as carry not a letter of truth in them. By the next ships I intend to joyne with the Council to answer every particular thing there laid to our charge. I have sent copies of that part of the King's letter relating to the several Judges of the Courts of Common Pleas that each may answer for himselfe, and do not doubt to make it appeare that all the allegations contained in the several petitions are false and scandalous, and in the meantime shall desire your Lordships will suspend your opinion. I have received your letter of March 7, wherein are several matters which I shall communicate to the Council at our next sitting. To that part of it relating to the French settlement upon Sta. Lucia, I gave my Lord Grey an account Aug. 20 last of what I had done. The reason why I did not write to your Lordships at that time was that I was taken suddenly with this countrey distemper, which confined me to my bed and chamber for several weeks. *Signed, R. Grey. Endorsed, Recd. 21. Read July 30, 1701. 3 pp. Enclosed.*

452. i. Memorandum of Journal of Assembly of Barbados, Oct. 22, 1700–March 29, 1701. *Slip.*

452. ii. Memorandum of Minutes of Council in Assembly of Barbados, Nov. 5, 1700–May 3, 1701. *Slip.*

452. iii. Account of stores of war in Barbados, Jan. 31, 1701. *2 long slips.*

452. iv. Memorandum of Acts of Barbados, Nov. 5, 1700–May 15, 1701. *Slip.*

452. v. Memorandum of Naval Officer's List of vessels entered and cleared in Barbados, Sept. 24–Dec. 25, 1700. *Slip.* [C.O. 28, 6. Nos. 1, 1.i.–v.; and (without enclosures) 29, 7. pp. 344–348.]

May 17. **453.** Duplicates of above letters and enclosure iii. *Endorsed, Recd. Aug. 16, 1701. [C.O. 28, 6. Nos. 2, 2.i.]*

[? May 18.] **454.** Petition of George Wingfield to the King. Petitioner came over from Holland in your Majesty's army at your first landing at Torbay and performed many signal services for your Majesty's interest, and continued in your service till the late disbanding the Army. The places of Lieut.-Governor of St. Christopher's and Montserat being vacant, prays for the grant of one of them. *Inscribed,*

454. i. Mr. Secretary Vernon to the Council of Trade and Plantations. H.M. refers above to the Lords Commissioners for Trade and Plantations to examine petitioner's qualifications. *Signed, Ja. Vernon. The whole, 1 p. [C.O. 152, 4. No. 24; and 153, 7. pp. 169, 170.]*

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May 19.

455. Copy of H.M. Letters Patents for registering Servants in the Plantations, April 14, *11th of William* (1699). *Countersigned, Cocks. Endorsed, Recd. 19th, Read May 22, 1701. 3 large pp. [Board of Trade. Plantations General, 5. No. 96; and 35. pp. 457-472.]*

[? May 19.]

455A. Copy of Instructions for executing the above-mentioned office. 1 *large p. [Board of Trade. Plantations General, 5. No. 97; and 35. pp. 473-478.]*

May 19.

Bermuda

456. Lieut.-Governor Bennet to the Council of Trade and Plantations. I arrived at this place on April 29 and pursuant to H.M. commands, Jan. 27, enclose a state of the fortifications, guns and stores of war in these islands, and there being a sloop bound to Barbados, send this that way, being informed ships at this time of year saile weekly for England. Upon viewing the Castle and Forts, I found all their works and platforms in a very bad condition, and few of the carriages able to support their guns, and in general everything so out of order that the fortifications are but of little consideration, which, according to your Instructions, I will lay before the Assembly when they meet on June 9th. The supply of great guns, my Lords, I am to request, there being so general a deficiency and unserviceableness of those here, and many more being wanting, that might be placed to doe service in the Castle and Forts, that I cannot propose fewer than twenty whole culverins, and fifteen demi-culverins, which if thought fit to be complied with together with a sufficient complement of round, double-headed and Partridge shot, and a supply of all necessary ammunition for those guns as are useful, according to the inclosed account, I doubt not but to put these islands in a very good posture of defence. According to an order of Council and your Lordships' Instructions, Mr. Day has given 2,000*l.* security to abide the determination of H.M. in Council as to the *Dolphin* sloop. When I arriv'd here, I found an uneasy, dissatisfied people, who now seem better pleas'd, but I dare not praise them till further experience. On the 9th inst. a large vessel was discover'd from the Castle, and about four in the afternoon stood in with the land, but in the evening stood off again, the next day she appeared again, but in the afternoon wee lost sight of her. In the night a boat came ashore, and on the 11th at noon, a messenger from the Capt. came and desired leave to wood and water, but said he would not come into the harbour. I then examined from whence the ship came, and whither bound, but found the man in soe many stories that I had reason to suspect [*the ship*], therefore detain'd the person, and sent boats out to speake with her, being then in sight, which when discovered, she made all the sail she could and bore away, and has been seen noe more. I have since examined the fellow that came to me, who swears that the ship's name was the *Thomas and Elizabeth*, Capt. Thomas Oggden, and came from the Bay of Campeachy and had a great quantity of logwood on board and bound for the Streights. The best excuse I can imagine for this Captain's

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management is, I believe he fear'd I should have oblig'd him to have entered into Plantation Bonds, and why I trouble your Lordships with this account is, least I should be complain'd off for refusing him the necessary supply he ask'd, which I had given orders for, if he would have lett the boats acquainted him. I hope it is not expected I should now give an account of this Island, but as soon as it's possible for me to informe myselfe, I will performe every article of my Instructions. *Signed*, B. Bennett. *Endorsed*, Recd. July 23, Read 24th ditto, 1701. 3 pp. *Annexed*,

456. i. Abstract of preceding. 1 p. *Enclosed*,

456. ii. Account of Stores of War in Bermuda. *Endorsed as Letter*. 2 pp. [*C. O.* 37, 3. Nos. 55 (*Duplicate, dated June 9*), 55.i., ii. ; and (*without enclosures*) 38, 5. pp. 162-166.]

May 19. **457.** Lieut.-Governor Bennet to [? Mr. Blathwayt]. Repeats substance of first part of preceding letter. *Concludes*, I find Mr. Noden's Bills very honorably complied with, and hope care will be taken, before the money advanced be expended, that more may be ordered, or the men must starve, nobody here loving a soldier soe well as to give him credit. I have not yet distributed them into the Castle and Forts, they not being in a condition to receive them. *Signed*, B. Bennett. *Endorsed*, Transmitted to ye Board in Mr. Blathwayt's letter, Aug. 22, 1701. Recd. Aug. 28, Read Sept. 2, 1701. *Duplicate, dated June 9*. 2 pp. [*C.O.* 37, 3. No. 56 ; and 38, 5. pp. 180-182.]

May 19. **458.** Attorney General to the Council of Trade and Plantations. In reply to Mr. Popple's letter of 16th, I am humbly of opinion that the continuance of the Act in question is not limited to any certain time, but that it is a perpetual law. *Signed*, Tho. Trevor. *Endorsed*, Recd. Read May 22, 1701. $\frac{3}{4}$ p. [*C.O.* 37, 3. No. 54 ; and 38, 5. p. 161.]

May 19. **459.** Minutes of Council of New York. *Present*. The Hon. John Nanfan, President, Abraham Depeyster, Samuel Staats, Robert Livingston, Robt. Walters, Thomas Weaver.

Letters were produced and read from the gentlemen appointed to manage the Indian Affairs at Albany, May 6 and 12. [*C.O.* 5, 1184. pp. 527, 528.]

May 20. **460.** Lieut.-Governor Nanfan to the Council of Trade and New York. Plantations. I presume the Earle of Bellomont has acquainted your Lordships with his liberty granted me to goe to Barbados in order to settle my small fortune there, very much entangled by my three years' absence in attending H.M. service, as his Lieut.-Governor of this Province under his Lordship, himself designing to reside here till the middle of this month. I have made all possible dispatch and arrived here yesterday. This ship being immediately ready to sayle, I cannot give particular answers to your packetts received, directed to the Earle of Bellomont, bearing date Sept. 19, Oct. 30 and Feb. 11, but shall perfectly observe your orders,

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and by another ship that will sayle within fourteen days will be very exact in informing your Lordships of all things necessary. The unfortunate death of the Earl of Bellomont in my absence has been no small grief to me, but through the prudent management of the Council, the publick peace has been intirely preserved, and everything in the same posture as when his Lordship dyed with little alteration. I hope to merrit your pardon for my absence, and gaine your good opinion of my administration by wholly applying myself to the public business of the Province etc. *Signed*, John Nanfan. *Endorsed*, Reed. July 8, Read July 9, 1701. 2 pp. *Annexed*,

460. i. Abstract of preceding. $\frac{3}{4}$ p. [C.O. 5, 1046. Nos. 16, 16.i.; and (without abstract) 5, 1118. pp. 383, 384.]

May 20.
Whitehall.

461. Council of Trade and Plantation to the Lieut.-Governor and Council of New York. By our letter of Feb. 11, you will have perceived the good opinion we have of Mr. Champante's capacity and diligence. Upon the first notice of Lord Bellomont's death, being obliged to take some care for the carrying on of the affairs of New York, we thought it proper to desire him to continue his endeavours therein for the present, as formerly. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [C.O. 5, 1118. pp. 285, 286; and 5, 1079. No. 72.]

May 20.
Whitehall.

462. Council of Trade and Plantations to the Lieut.-Governor and Council of the Massachusetts Bay, recommending Mr. Champante (*see* May 16). *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [C.O. 5, 909. pp. 417, 418.]

May 20.
Whitehall.

463. Council of Trade and Plantations to Mr. Secretary Vernon. Enclosing list of Stores of War wanting for Port Royal, (*see* March 14), to be laid before H.M., that such care may be taken therein as H.M. shall judge convenient, it being necessary that the Plantations be assisted and supported from England in their defence, which they will not be able otherwise to carry on. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [C.O. 138, 10. pp. 158, 159.]

May 20.
Whitehall.

464. William Popple to Edward Northey, Attorney General, and Sir John Hawles, Solicitor General. The Council of Trade and Plantations being frequently applied to from the Governors of the American Colonies for the resolution of doubts upon the Acts of Trade and Navigation in reference to endenized foreigners, desire your answer to what I writ you April 30. They further send you an abstract of a letter from Lord Bellomont, Feb. 21, upon the like subject, together with an abstract of a letter from Sir William Beeston, March 14, relating to the naturalization of foreigners in the Plantations, that you may be pleased upon consideration thereof to give them your opinion on the whole matter. [C.O. 138, 10. pp. 159, 160.]

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May 20.

465. Minutes of Council of Bermuda. Writs issued for the Assembly, to meet on June 9. On a motion of H.E. the Governor about his Majesty's Company of soldiers being supplied with provisions, ordered that all boats belonging to the Town of St. George's, who from henceforth shall come in from fishing, and have any fish to sell, shall come to the Tower Bridge and there expose it to sale, and that the said soldiers shall have the first refusal, they paying the accustomed price, and that no vendor land any fish at any other place before they come to the Bridge.

John Brooke was sworn Attorney General.

The Bill of Fare given in by Mr. Burrows for entertaining his Excellency at his arrival here, amounting to 70*l.* 5*s.* 4*d.*, allowed off by this Board.

Officers of Militia sworn. [*C.O.* 40, 2. *pp.* 35, 36.]

May 20.

466. Minutes of Council and Assembly of New Hampshire. Mr. Secretary carried to the House of Representatives, by order of the Council, a report from the Committee of what laws were proper to be passed, together with several Bills drawn up for that purpose. [*C.O.* 5, 789. *p.* 19.]

May 20.

467. Journal of Council of Trade and Plantations. Letter from Sir Wm. Beeston, March 14, with an account of stores of war wanting in the fortifications of Port Royal, read. Letter to Mr. Secretary Vernon written inclosing a copy of said account to be laid before his Majesty. Ordered that that part of Sir William Beeston's letter which relates to naturalisations of foreigners in the Plantations be sent to Mr. Attorney and Mr. Solicitor General, and their answer desired thereunto, as likewise to what was writ to them about endenized foreigners April 30, and to the like queries contained in Lord Bellomont's letter of Feb. 21.

Letters to the Lieut.-Governor and Council of the Massachusetts Bay, and to the Lieut.-Governor and Council of New Yorke, signed.

Capt. George Wingfield's petition read. He was summoned and informed that he may do well to produce what testimonials he has of his services and of his capacity for those places.

May 21.

Representation signed wherewith to lay the draught of an Act for Religion in Maryland before H.M.

Letter from Mr. Secretary to Mr. Attorney and Mr. Solicitor General, ordered yesterday, approved and ordered to be sent.

Memorial on behalf of Mr. Skene laid before the Board. A copy thereof with a copy of his petition and the Order of Council, April 3, ordered to be sent to Mr. Eyles for such answer as he may be able to give for Mr. Gray.

Further progress made in considering the Acts of the General Assembly of the Massachusetts Bay, May 29, 1700.

May 22.

Two Orders of Council, May 8, relating to the Lieut.-Governor of St. Christopher's and of Mounserat, read.

Order of Council, May 8, constituting members of Council of Maryland, read.

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Draughts of letters to Col. Codrington and Sir William Beeston were agreed upon.

Copy of H.M. Letters Patents for registering servants for the Plantations and of Instructions for executing that office, read.

Mr. Attorney General's opinion as to the Bermuda Act (*see* May 19) read. [*Board of Trade. Journal, 14. pp. 36-40; and 98. Nos. 91-93.*]

May 21.
Whitehall.

468. Council of Trade and Plantations to the King. In obedience to your Majesty's Order in Council, Feb. 13, we humbly lay before your Majesty the draught of a Bill "for the Establishment of Religious worship in this Province [*Maryland*] according to the Church of England, and for the maintenance of Ministers," and we thereupon humbly propose that your Majesty may be pleased that this draught be sent to the Governor of Maryland to be offered to the first General Assembly to be passed into an Act. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O. 5, 726. p. 66.*]

May 21.
Whitehall.

469. William Popple to Francis Eyles. Enclosing copies of Order in Council, April 3, and Mr. Skene's petition and the memorial thereupon. The Lords Commissioners of Trade and Plantations desire you to lay before them such answers as you finde yourself able to make in Mr. Grey's behalf, with what speed you can. [*C.O. 29, 7. p. 311.*]

[? May 21.]

470. Memorial to the Council of Trade and Plantations on behalf of Mr. Skene's petition (*see* April 3). *Endorsed*, Read May 21, 1701. *2½ closely-written pp.* [*C.O. 28, 4. No. 88; and 29, 7. pp. 314-321.*]

May 22.

471. Minutes of Council of New York. *Present as on 19th.* Proclamation ordered encouraging deserters to return, and promising pardon to such as come in on or before July 1, and offering a reward of 30 pieces of eight to any person apprehending and bringing in a deserter after that date.

Account of Robert Walters and Johannes Depeyster for providing firewood for the Fort referred to a Committee.

This Board being informed that one Mr. Oasterhouse, a passenger in the *Happy Peace* from this place bound to London, carries with him packetts lately come from Canada directed to M. Ponncharteen (*sic*) and other of the Ministers of State of the French Court, the Council desire for H.M. service that the Governor send a letter by the said ship directed to any postmaster in England, informing him thereof, that in case at the time the said ship arrives in England warr be proclaimed between the Crowns of England and France, he may take care to enquire after the said letters, and forward them to H.M. Secretary of State.

May 23.

Present as on the 19th. The account of Pêter de Riemer for making and mending glass windows in the Fort, and several other accounts, referred to a Committee.

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Payment ordered to Barne Cosens for attending the Commissioners of Public Accounts. [*C.O.* 5, 1184. *pp.* 528-530.]

May 23. **472.** Council of Trade and Plantations to Governor Codrington. Since ours of Feb. 18, we have received letters from you dated Jan. 11, 14, 15 and 17. What you tell us of the declaration of your intentions to the several Assemblies of the Leeward Islands in relation to your conduct in that Government, more especially in reference to the execution of the Acts of Trade, we very well approve of, and doubt not of your performance accordingly. What you write about the inconveniencies arising from the dependance of Governors upon General Assemblies having frequently occurred to our observation, we have accordingly represented what seemed fit thereupon, and are not without hopes that in due time some proper regulation will be made therein. We take particular notice of the great irregularities you find in judicial proceedings in all the Courts of those Islands, and that you are not able to return any perfect answer to the enquiry sent you about the methods of those Courts. This makes it absolutely necessary that you pursue the endeavours you say you intended to use for getting some good Laws past to establish a regularity in those proceedings. And we are glad of the hopes you express upon that occasion to succeed in the rooting out of corruption, not doubting but you will use proper means to do it. We do not well understand what you mean by saying you came too late to make any demands on the Governor of St. Thomas, a reasonable demand might have been made at any time. We have considered the copies you have sent us of your proceedings against Captain Norton, and likewise what you write upon occasion of the death of Captain Delaval, and having thereupon represented to H.M. what we thought proper, we enclose copies thereof and of Orders of Council made thereupon. The same doubts that you express about the rights and privileges allowed by the Acts of Trade to denizenized foreigners in the Plantations, has been proposed to us from other places, and we have thereupon writ to Mr. Attorney and Mr. Solicitor General for their opinion upon several points which it is requisite you and other Governors should be better informed in, and so soon as we receive their answer we will send it you. We have also ourselves some doubt about the forfeiture of 1,000*l.*, for which you say you have imprisoned Capt. Norton, and have therefore writ to them likewise about that matter, concerning which, when we receive their answer, you shall be further directed. Divers complaints having been laid before us of irregularities in the Courts of Chancery in H.M. Plantations, and amongst the rest, that in some places the Governors and the Members of the respective Councils, who compose those Courts, do sit and act therein without taking any oaths to do equal and impartial justice, between parties concerned in the causes that shall come before them, we have thought fit hereby to direct you (as we do other Governors) that in case there have been any neglect of this kind in the Courts of Chancery of the Leeward Islands, you forthwith take care to remedy the

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same, as your commission impowers you, by your taking in the first place a proper oath for that purpose, and afterwards administering the like oath to the Members of that Court. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. *P.S.*—We expected to have received from you a perfect account of the wants of the Islands under your Government with relation to their defence, whereof we have had a memorial from Mr. Cary, but that being only in general terms, we cannot make the use of it, which may be requisite. We desire you therefore for the future to give us the earliest informations of what may be necessary for the defence of those Islands. [*C.O.* 153, 7. *pp.* 173–177.]

May 23.
Whitehall.

473. Council of Trade and Plantations to Governor Sir William Beeston. We have received your letter of March 14, and are very glad to understand by your observations on the Trade of Jamaica that the Island in that respect is in so very flourishing a condition. The prejudice, which you say it receives by the carrying of flower and provisions to Curasso and the furnishing of the Spaniards from thence, we conceive may chiefly arise from the Propriety Governments on the Continent, and that with many other irregularities of those Governments having raised great complaints against them, a Bill has been brought into the House of Lords and is now under consideration for resuming those Governments to the Crown. If it pass accordingly, we doubt not but it will set the Trade of the Plantations upon a more equal foot.

The account that you give us of your care for the security of the Island upon the news you had received of the King of Spain's death is very welcome, and we have laid before H.M. the list that you send us of stores of war wanting for the fortifications of Port Royal. We will acquaint you with Mr. Attorney and Mr. Solicitor General's opinion as to naturalising foreigners, when we receive their answer. As to Mr. Brodrick, we have sufficiently explained, Feb. 17, that there has been an irregularity in that proceeding, and therefore we do expect your direct answer to what we then writ, before we add anything further upon it.

Repeat, *mutatis mutandis*, instructions as to holding Court of Chancery, etc., as in conclusion of preceding. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. *P.S.*—We send you here inclosed H.M. letter relating to the settlement of the Revenue in Jamaica, which you are to observe and give us an account of your proceedings therein. [*C.O.* 138, 10. *pp.* 161–163.]

[?May 23.]

474. Richard Cary to the Council of Trade and Plantations. Col. Codrington finding that the Islands under his Government are in great want of men, arms and ammunition, hath directed Mr. Cary, his Agent, to make application to you for a supply thereof, as also for some gunsmiths to be sent over, there being none there, so that as their small arms are out of order, they become

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useless. *Endorsed*, Recd. Read May 23, 1701. $\frac{3}{4}$ p. [*C.O.* 152, 4. No. 25; and 153, 7. p. 177.]

May 23.

475. Journal of Council of Trade and Plantations. Letter to Governor Sir Wm. Beeston signed.

Letter to Col. Codrington signed.

Mr. Cary presented a Memorial in the name of Col. Codrington signifying that the Leeward Islands are in want of men, arms and ammunition, as also of some gun-smiths, which was read; but being asked an account of what particulars he specified, said he had not sent any. [*Board of Trade*. Journal, 14. p. 41; and 98. No. 94.]

May 23.
Portsmouth.

476. Minutes of Council and Assembly of New Hampshire. The Lieut-Governor read H.M. letter, Jan. 19, 1701, about the fortifications and defence of the Province.

Writs applied for to fill vacancies caused by retirement of Capt. John Tuttle of Dover and Lt. John Smith of Hampton. [*C.O.* 5, 789. pp. 21-23.]

May 25.
Maryland.

477. Governor Blakiston to the Council of Trade and Plantations. *Acknowledges* letter of Dec. 30. I have endeavoured to comply with the first paragraph by mine of April 8. The account of arms belonging to the Province is attended with great difficulty to procure, for it has been ye custom to distribute them to ye Colls. of each county, which by their often deaths ye arms devolve into Executors' hands, and are generally lost and embezled, which method I find very inconvenient, and have with ye advice of ye Council resolved for ye future that those arms which are come in since my arrival, and those we are now sending for, shall be lodged in a publique armoury, at Anapolis Town, and to give them out as necessity shall require, for most of the inhabitants are pretty well armed, for if ye inhabitants are to be supplied from H.M. Store as formerly, they have noe regard to ye destruction is made of them. But nevertheless I hope by ye next oppertunity to send you an account of what arms are in the Province belonging to his Majesty. I must still report the difficulty I have of getting together a *quorum* of ye Council, Mr. Tho. Lawrance being dead, who was lately appointed. I have enclosed you a list as they now stand, being but eight in all, and three of them at ye extreme parts of ye province, and hope those three that have been recommended by ye Council and myselfe will be approved of by H.M., for otherwise ye dispatch of business will be much impeded. I have recommended to ye Assembly that paragraph of your Lordships' letter of ye great conveniency of an Agent, but they are not willing at present to appoint soe necessary a person, but have referred it to the consideration of the next Assembly. I have already acquainted your Lordships of ye inclinations of ye inhabitants of a Trade with ye Western Indians. They are so far from desiring any further communication, that they would be glad to be quit of those we have already so near hand, for they keep the inhabitants upon the Frontiers

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in great fears, especially since ye murder committed last yeare in Virginia. I send the lists of shiping for 1700. The Assembly, after a Sessions of nine days, brooke up on Satterday last. They were desirous of having that Law past of having ye publike levies paid in money, as I formerly represented to your Lordships, but I found by yours of Dec. 30, that you esteemed a concerne of moment, and that I might expect your advice and directions by another oppertunity, soe I refused ye law they had drawn up to that purpose. I have already informed you that ye Council here does [*sic. ? do not*] conceive it any ways a hindrance to ye planting of tobacco, but if your Lordships does apprehend it any ways to have the face of prejudice to H.M., I humbly crave your commands, that I may be armed against it. I beg leave to observe to your Lordships that ye last Assembly were likewise very pressing for advancing ye coyne we have in this Province, which are a few pieces of eight with Lyon Dollars, which they here call Dogg Dollars. I acquainted the Assembly I could not meddle with ye coyne of ye Province, till I had first humbly represented it to your Honourable Board, to be laid before H.M. I am requested by the Assembly to acquaint you of ye difficultys we lye under in this respect, for ye few pieces of eight we have and ye Lyon Dollars pass currant here at 4s. 6d. per peice, and the peices of eight amongst our adjacent neighbours in Virginia goes for 5s., and the Dogg or Lyon Dollar in Pensilvinia are at 6s., and at New York goes at little less. The misfortune here is that the little money we have being but at 4s. 6d. ye doller is carryed away by our neighbours. The Assembly have desired me to begg your Lordships' assistance in representing this their unhappiness to H.M. that wee may be upon an equall foot at least with some of our neighbours, and have leave if it be but to raise ye doller 6d. more to make it 5s., as in Virginia. The want of a little money in this Province is a very great hindrance to all publike meetings of ye Council and Assemblys, and to all publike Courts, for that ye persons obliged to attend thereon cannot be accommodated without a little money. That paragraph of your letter, Dec. 30, of settling the Government here in case of ye Governor's death or absence, I have caused to be recorded in the Council Book. *Signed, N. Blakiston. Holograph.*

3 pp. *Enclosed,*

477. i. Duplicate of preceding. *Endorsed,* Recd. Aug. 19, Read Sept. 3, 1701. $3\frac{1}{4}$ pp.

477. ii. List of the Council in Maryland. Sir Thomas Laurence, absent 3 years; Col. Henry Jowles, dead; Thomas Tench, sometimes here, often in Pennsylvania, talks of going for England; Col. Charles Hutchins, dead; Col. John Addison; Col. John Courts; Thomas Brooke; James Frisby; Robert Smith; Col. John Hammond; Thomas Tasker, dead; Col. Francis Jenkins.

Names represented to fill up the vacancies:—
Mr. Thomas Laurence, since dead; Col. Edward Lloyd;
Lieut.-Col. William Holland; James Sanders. 1 p.

477. iii. Duplicate of preceding. $\frac{3}{4}$ p.

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477. iv. Memorandum of Journal of Council in Assembly of Maryland, May 8—May 17, 1701. $\frac{1}{4}$ p.
477. v. Memorandum of Journal of House of Delegates of Maryland, May 8—May 17, 1701. $\frac{1}{4}$ p.
477. vi. Memorandum of Six Acts passed at a General Assembly of Maryland, April 17, 1701. $\frac{1}{4}$ p.
477. vii. Memorandum of Journal of Committee of Accounts of Maryland, May, 1701. $\frac{1}{4}$ p.
477. viii. Memorandum of Naval Officer's Lists of ships cleared and entered at the Port of Annapolis, Oct. 24, 1699—Feb. 20, ¹⁶⁹⁹/₁₇₀₀ $\frac{1}{4}$ p.
477. ix. Memorandum of Naval Officer's Lists of ships cleared and entered at the Port of Pocomoke, June 24, 1699—July 30, 1700. $\frac{1}{4}$ p.
477. x. Memorandum of Naval Officer's Lists of ships cleared and entered at the Port of Puttunxet, July 24, 1699—Aug. 5, 1700. $\frac{1}{4}$ p. [*C.O.* 5, 715. *Nos.* 39, 39.i.—x.; and (without enclosures) 5, 726. *pp.* 98–103.]

May 26.
Whitehall.

478. R. Yard to W. Popple. Enclosing following to be forwarded. *Signed*, R. Yard. *Endorsed*, Recd. Read May 27, 1701. 1 p. *Enclosed*,

478. i. Order of King in Council. Kensington, May 22. Approving the draught of a letter prepared by the Lords Commissioners of Trade and Plantations to be sent to the Governor of Jamaica relating to the settlement of the Revenue in Jamaica, and directing Mr. Secretary Vernon to prepare the same for H.M. Royal signature. *Signed*, John Povey. *Endorsed*, Recd. 16th, Read June 27, 1701. $\frac{3}{4}$ p. [*C.O.* 137, 5. *Nos.* 36, 37; and 138, 10. *pp.* 164, 165.]

May 26.
Whitehall.

479. Council of Trade and Plantations to Mr. Secretary Vernon. Having received from Mr. Cary, Agent for the Leeward Islands, a Memorial, whereof the enclosed is a copy, relating to the want of men, arms and ammunition in those parts, we desire you to lay the same before his Majesty and farther to represent that upon our demanding if the particulars of such things as were wanted had been transmitted to him, he answered us that he had no other account thereof, than is contained in the said Memorial. *Signed*, Wm. Blathwayt, Jno. Pollexfen. Abr. Hill, Mat. Prior. [*C.O.* 153, 7. p. 178.]

May 26.

480. Journal of Council of Trade and Plantations. Letter to Mr. Secretary Vernon signed, enclosing Mr. Cary's memorial relating to the want of men, arms and ammunition in the Leeward Islands, to be laid before H.M.

Mr. Attorney and Mr. Solicitor General's report upon the question about appeals from Connecticut (Dec. 18, April 25) read. Directions thereupon given for preparing a Representation upon the Order of Council of Dec. 5. Intimation being given that upon the Quakers Petitioning H.M. against the Bill for

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establishing of Religious Worship in Maryland, H.M. was pleased to appoint ym. a hearing in Council on Thursday next come sennight, directions were given for writing to Mr. Attorney and Mr. Solicitor General, and sending them a copy of the first Law of that Province, entituled an Act concerning Religion, upon which the Quakers ground their complaint against the Act now intended to be sent thither.

H.M. letter to the Governor of Jamaica about settling the Revenue of that Island being now received from Mr. Yard, ordered that it be inclosed in the letter to that Governor lately signed, and that a postscript be added accordingly.

May 27. Ordered that two guineas be given to Mr. Short, the Post Officer, instead of a New Year's Gift, which was omitted last Christmas.

May 28. Representation upon John and Nicholas Hallam's petition signed. Progress made in considering Acts of Barbados, Jan.—March, 1700.

Mr. Daniel Hunt's request for a certificate from the Secretary (*see* May 28) granted.

Representation upon the Acts of the Massachusetts Bay, May 29, 1700, signed.

Sir Thomas Lawrence desiring in behalf of Dr. Bray a copy of the Act for Religion to be communicated by him to Mr. Attorney and Mr. Solicitor General, ordered accordingly. [*Board of Trade Journal*, 14. *pp.* 42-46; and 98. *Nos.* 95-97.]

May 27.
Whitehall.

481. Council of Trade and Plantations to the King. We have examined the petition of John and Nicholas Hallam, and concur with the opinion of your Majesty's Attorney and Solicitor General [May 15], and doe most humbly offer that your Majesty be pleased to admit their appeal in the present case and appoint a day for the hearing thereof, against which time notice may be given to the parties and to the Government of Connecticut that they may respectively conform themselves to your Majesties' pleasure therein. *Signed*, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 1289. *pp.* 100, 101.]

May 27.
Whitehall.

482. William Popple to Sir Thomas Trevor, Attorney General, and Sir John Hawles, Solicitor General. The Quakers concerned in Maryland having petitioned H.M. against a Law to be passed for the establishment of the Church of England in that Province, and his Majesty having been pleased to appoint Thursday, June 5, to hear the Petitioners, the Lords Commissioners for Trade and Plantations have ordered me to send you a copy of the Act of Maryland upon which the Quakers ground their complaint, and to acquaint you that in case you shall think anything further requisite in this cause, their Lordships are ready to give you the best information they can. [*C.O.* 5, 726. *p.* 68.]

May 28.

483. Daniel Hunt to Mr. Popple. H.M. hath been pleased to grant that I might have a Commission for Adjutant to the Forces

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at New York on ye new establishment, but Mr. Yard desires to be satisfied by a line from the Council of Trade and Plantations, if that the former adjutant was put out by Lord Bellomont. *Signed*, Danll. Hunt. *Endorsed*, Reed. Read May 28, 1701.

1 p. *Enclosed*,

483. i. Certificate by William Popple, as to Lord Bellomont's letter, Oct. 17, 1700, announcing his suspension of Mr. Augustin Graham. $\frac{1}{2}$ p. Whitehall, May 28, 1701. [*C.O.* 5, 1046. *Nos.* 17, 17.i.; *and* 5, 1118. p. 286.]

May 28.
Whitehall.

484. Council of Trade and Plantations to the King. We humbly beg leave to lay the Acts of the Massachusetts Bay, May 29, 1700, before your Majesty, upon some of which, being temporary, we conceive nothing further requisite to be done (*enumerated*), and others (*enumerated*) against which we see no objection and are therefore humbly of opinion that your Majesty may be pleased to approve the same. *Signed*, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 909. *pp.* 421-423.]

May 28.
Boston.

485. Minutes of Council in Assembly of the Massachusetts Bay. The Representatives having met, took the oaths appointed and subscribed the Test and Association :—

COUNTY OF SUFFOLK :—

Boston. John White.
„ Capt. Samuel Legg.
„ Nathl. Oliver.
„ Capt. Andrew Beloher.
Roxbury. William Denison.
Dorchester. Samuel Robinson.
Dedham. Capt. Daniel Fisher.
Brantrey. John Baxter.
Milton. Capt. Thomas Vose.
Weymouth. Lt. Col. Ephraim Hunt.
Hingham. Jeremiah Beale.
Medfield. John Harding.

COUNTY OF MIDDLESEX :—

Charlestown. Samuel Phips.
Cambridge. Capt. Thomas Oliver.
Watertown. Daniel Warren.
Newton. Capt. Isaac Williams.
Woobourn. Major James Converse.
Concord. James Minot.
Sherborne. Benoni Learned.
Sudbury. William Browne.
Medford. Thomas Willis.
Maulden. Phineas Upham.
Reading. Capt. John Browne.
Chelmsford. Edward Spaulding.

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COUNTY OF ESSEX :—

Salem. Capt. Samuel Gardner.
 „ Capt. Samuel Browne.
 „ Nehemiah Jewell (*sic*).
 Ipswich. Capt. William Goodhue.
 „ Major Daniel Davison.
 Newberry. Tristram Coffin.
 Lynn. Capt. John Burrill.
 Marblehead. Richard Trevitt.
 Beverley. Samuel Balch.
 Boxford. John Peabody.
 Salisbury. Nathaniel Eastman.
 Aimsbury. Thomas Stevens.
 Andover. John Asselbee.
 Haverhill. Capt. Samuel Ayer.
 Wenham. William Fiske.
 Topsfield. Tobijah Perkins.
 Rowley. Capt. Joseph Boynton.
 Gloucester. Capt. James Davis.
 Bradford. John Chadwick.

COUNTY OF YORKE :—

Kittery. Nicholas Gowen.
 Yorke. James Plaisted.
 Bilrica. Capt. Joseph Tompson.
 Marlboro'. Thomas How.
 Framingham. Thomas Drury.

COUNTY OF HAMPSHIRE :—

Springfield. John Hitchcock, senr.
 Northampton. John Clarke.
 Hadley. Jonathan Marsh.
 Hatfield. John White.
 Westfield. Capt. Isaac Phelps.

COUNTY OF PLYMOUTH :—

Plymouth. Capt. James Warren.
 Situate. John Cushing, junr.
 Duxboro. Capt. Seth Arnold.
 Marshfield. Isaac Winslow.

COUNTY OF BARNSTABLE :—

Barnstable. John Bacon.
 Yarmouth. John Miller.
 Eastham. Israel Cole.

COUNTY OF BRISTOL :—

Bristol. Capt. Ebenezer Brenton.
 Taunton. James Leonard.
 Dartmouth. Capt. Seth Pope.
 Rehoboth. Stephen Paine.
 Swanzey. Ephraim Peirce.
 Little Compton. William Fobes.

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The House acquainted H.E. that they had chosen Nehemiah Jewett (*sic*), Speaker. The Lieut.-Governor directed them to make a new Election of Councillors or Assistants for the year ensuing, according to the directions of H.M. Royal Charter. The Elections being finished, his Honour adjourned the Court till to-morrow at 10 in the morning.

May 29. The Representatives sent up the names of those elected to H.E. :—

Of the inhabitants or proprietors of lands within the territory formerly called the Colony of the Massachusetts Bay, William Stoughton, John Pyncheon, Wait Winthrop, James Russell, Elisha Cooke, John Hathorne, Elisha Hutchinson, Samuel Sewall, William Browne, Isaac Addington, John Phillips, Jonathan Corwin, John Foster, Peter Sergeant, Daniel Peirce, Penn Townsend, John Appleton, John Higginson.

Of the inhabitants or proprietors of lands formerly called the Colony of New Plymouth :—Barnabas Lothrop, Nathanl. Thomas, John Thacker, Nathaniel Byfield.

Of the inhabitants or proprietors of lands within the territory formerly called the Province of Maine :—Eliakim Hutchinson, Joseph Hammond, Benjamin Browne.

Of the inhabitants or proprietors of lands within the territory lying between the River Sagadahock and Nova Scotia :—Joseph Lynde.

Of the inhabitants or proprietors of lands within this Province :—John Walley, Samuel Partrigg.

H.E. approved of all these, except Jonathan Corwin, concerning whom he demurred giving his consent until further consideration. They all, except the Lieut.-Governor, Eliakim Hutchinson and Jonathan Corwin, took the oaths, etc., appointed.

Ordered, that the thanks of the Board be given to Mr. Joseph Belcher for his sermon preached yesterday before ye General Assembly, and that a copy of his sermon be desired for the Press.

The Lieut.-Governor summoned the Representatives and addressed them :—There seemed to be a gathering of very dark clouds that threatened the breaking forth of a great storm in an universal war. It was therefore necessary to prepare the fortifications, which was also recommended in H.M. letter, which, with some others lately received from H.M., should be laid before them. He hoped they would make such further provision, in addition to what was granted by the last Assembly, as should be necessary for carrying on the Fortifications at the Castle now in hand, that they might be brought to good effect, whilst we had ye advantage of having the assistance of Col. Romer, and also that the Fortifications at Salem, which were gone to decay, might be repaired and set in order, the Gentlemen of that place having made application that provision might be made for the doing thereof, or that order might be given for demolishing of the present works there, which in the condition they now are in are unserviceable, and the guns be drawn into the Town to prevent their being exposed to fall into the hands of an enemy.

His Honour also acquainted the Council and Assembly of the

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Orders received from H.M. relating to the repeal of several Acts and Laws made by this Government, and that it was necessary that speedy provision should be made for the enacting of others, especially such as refer to ye Courts of Justice, that so Justice may have its course; that several temporary Acts that are near expiring should be revived and continued, and that they take into consideration the state of the Treasury, and grant such supplies as the emergency of the public officers may call for. He also acquainted them that there were several Gentlemen now abroad in the Eastern parts of this Province employed by himself with the unanimous advice and consent of the Council on a negotiation with the Indians, to endeavour to fix them in H.M. Interests, and to prevent their taking in with the French, if a war should commence, of which negotiation he hoped they would receive a good and satisfactory accompt.

The Representatives returned to their Chamber.

Three letters, Jan. 19 and Feb. 2, from H.M. to the Governor or Commander in Chief of this Province, recd. May 17, were laid before the Board, read and sent down to the Representatives.

Bill for preventing of disputes relating to actions and processes depending in the Courts of Justice, by reason of the disallowance and repeals of the Act for the establishment of precedents and forms of writs, etc., and of the Act for regulating proceedings in the Courts of Justice, read a first and second time and committed.

Bill prescribing the forms of writts in Civil Causes read a first and second time and committed.

May 30. The above mentioned Bills were read a third time, passed and sent down.

Bill for regulating trials in Civil Causes was read a first and second time and committed. [*C.O.* 5, 788. *pp.* 261-266.]

May 30.
Jamaica.

486. Governor Sir William Beeston to the Council of Trade and Plantations. I have received your letter of Feb. 17. which arrived here the 1st instant, and with it came H.M. Commission for tryall of Pyrats, which many names in it refuse to act in, because they are concerned in the sale of negroes, and if they act thereby they forfeite 500*l.* by the Royal Company's Act, and there's no authority to compell others to sitt on it, if they will not appear. I sent out summons by the Attorney General to all named in it to meete in this towne 22nd inst. to putt it in execution, but not one appeared, but one of the Commissioners of the Admiralty, it being the generall beliefe here that since we have the Act of Henry VIII. in full force here, there is no neede for this Commission to have beene sent hither, nor to send accessorys to be try'd in England, which if wee were obliged to doe, would be found very difficult, for no evidence would go thither to give their testimony, nor doe I find any authority to constrain them, or directions how their charges and expense of time shall be defray'd. Of these things I have written more fully to Mr. Secetary Vernon. And if your Lordships please to remember about three years since you were pleased to signifie

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your satisfaction in the Act, and that you had sent duplicates and recommended it to the Northern Plantations to doe the like, which if it had been remembred, I presume might have saved the trouble and charge of this Commission hither, for besides that they think the Statute of Henry VIII. is enough for this place, I find they are generally averse to the tryal of men's lives by most voices. I find in my letter of March 14, I writ your Lordships that the Commissioners of the Admiralty hesitated on the tryal of Accessories, having received a mistaken notion that they could not bee tryed by the Statute of Henry VIII., but find this Commission does not authorize it, and am therefore now convinced. The Naval Account you desire shall be sent by the next ships. About the Deputys of Patentees, the people are not satisfied here, though H.M. rejected the Act, yet His Order in Council still remaines, and wee cannot distinguish whither thereby be meant all Patents in beeing or such as shall bee granted after that Order, but if soe the Patten for Provost Marshall was passed since that Order of Council, besides which I have formerly represented to your Lordships the opinion of all here of his unfittnesse, being onely a wharfinger and not understood at all in that employment. Neither does any here pretend to dispute any authority H.M. grants by Patent, but onely when good officers are officiating here that understand the businesse they are about, and pay the Patentee his just dues, they should not remove them every three or four months, or when they please, without the aprobation of the Governor and Council, and put in Richard and Robert that are strangers and know not what they are goeing about, and perhaps by that time they begin to understand something of their business, the place and people, they are turned out and others appointed, so that the Treasury, the Records of men's estates, and wills and all things that belong to the security of their estates, must be rufled, tumbled about and many thereby miscarry at the mere will of the Patentees. This much disturbs the people, and causes them to say all they have is precarious, at the will of those who never saw the place nor have any interest in it. And for him that was deputed to the Receiver General's place, these were the reasons why he was not admitted, because he that is in understands his business, is a known, honest and able man and pays the Patentee duly what becomes his due, and this often changing is the reason the Quit-Rents have not been duely received, nor put into any regular method, for none that is in that office will take the pains to put it into method and order, not knowing how soon he may be turned out and another enjoy his labour.

In answer to your commands about the Fort and Fortifications, we have no other regular Fort but Charles Fort on Port Royal, of which [I] sent you the figure. We are now building and will soone be finished a round tower of 60 foot diameter at the East end of Port Royall, which will carry 12 or 16 gunns, which wee build in that figure to hinder a surprize, there being no dore nor ascent but by a ladder, and that also plays into the harbour, and upon the cutt of the Isthmus made by the Earthquake, at which boats may enter and surprize that part of the Town without

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prejudice from Fort Charles, there is a lyne built to defend the passe into St. Andrews, a narrow way betwixt a high hill and the sea, done with stone and very usefull, and they are now about building a lyne of stone worke at Carlisle Bay in Vere, and there was about 3 or 4 years since a fort ordered at Port Morant, and I gave them a regular draught to build it by, but the wise men of those parts, who were to see the work goe on, sent for a land-surveyor and layde a penne as the Land afoarded without any regularity and ranne it up apace to within $\frac{1}{4}$ of finishing, which when I understand, I sent an order to them to forbear any further worke; for not having men in those parts to defend it, it would easily have been surprized and give an enemy an opportunity of a good harbour and an inclosed Fort to defend it. For ammunition, our powder is supplied by the ships that arrive here, and the men are all obliged to find their own armes and ammunition, but as soon as an account of all can be taken, your Lordships shall have it sent, and for what we want for the better defence of the place, I sent an account in the last ships. The Memorandum that no President and Council (if the Government so happen) shall make laws, but upon necessity, is there entered accordingly. Your Lordships having recommended three of the list I remitted for the Council, and Major Hobby one of that list being since gone off, there now remains eight, and I do not know in all the Island where to pick out four more to make the number twelve, that I can with any reason recommend. I have lately been shewn the copy of a petition that I am told was brought to your Lordships, praying it might be presented to H.M. I suppose they were ashamed to send it to me, and I cannot but wonder at their confidence in directing H.M. and throwing such dirt on myself and the whole island, the place where fortune rais'd them to such ambition that to carry on their own designs under the notion of the warre, they have stirred up some of the citizens and frightened others to signe that unmannerly petition, which is very much disliked by this country, and for which they will have but little thanks. It's true here are not so many men as are needfull in so large a country to defend all parts of it, but unless a Royal Fleet and Army come against us, we are not in fear of any force hereabouts, more then to prejudice the people in the out parts, and if such [*a force as?*] a Royal Army come, unless a squadron of shippes be sent to engage them, and [*hinder?*] their landing, 'tis not the addition of 400 or 500 men can secure the Island. The people of this Island, though they are not in pay, yet live, as it may be said, with their arms in their hands, and were ever accounted a stout and martiall people, until now these gentlemen have given them and me another character to gratifie their owne ends, which, if true, was very ill done, and may encourage an enemy to venture on that which they before were afraid to attempt but I'll leave them to themselves and their designs they have to advance themselves by the next Governor, who being a stranger to the place, they will conclude will not live long, and then they shall have a hit to show themselves. For my owne part, being growne into years, see that

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the trouble being now too much and too great for mee to undergoe, I have desired for these three years past to be removed, but am not willing it should be by the malicious insinuations of these men, nor in disfavour to H.M., whom I have served faithfully and truly according to the best of my judgment, and have preserved the Island in great peace and tranquility, by which they are grown very rich and live at ease, in which if they should be disturbed, their ability would soon make the greatest and best men to leave the place. The country is now very healthy, but I hear five hundred soldiers are coming from Ireland; they will arrive at such a time of the year, that it is much to be doubted they will bring sickness with them and thereby again infect the country, that as many as may be left of them may dye of the country, and then where will be the advantages? If I have said too much in all this, I begg your Lordships' pardon. *Signed*, Wm. Beeston. *Endorsed*, Recd. Aug. 29, Read Sept. 1, 1701. *Holograph*. 2 $\frac{3}{4}$ closely written pp. *Enclosed*,

486. i. Abstract of preceding. 1 p. [*C.O.* 37, 5. Nos. 49, 49.i; and (*without abstract*) 138, 10. pp. 284–291.]

May 30.
Jamaica.

487. Governor Sir William Beeston to Mr. Popple. *Repeats gist of remarks upon the Commissions for trying Pirates in preceding letter. Holograph.* $\frac{1}{2}$ p. *Addressed. Postmark. Signed*, Wm. Beeston. [*C.O.* 37, 5. No. 50; and 138, 10. pp. 291, 292.]

May 30.

488. J. Thurston to [? Mr. Popple]. The particulars mentioned in the margin being for the additional men lately sent to Newfoundland are now ready to be shipt on board the *Albion* Galley, Drewitt master, I most humbly pray your letter to Mr. Lownds of the Treasury for directions for their passing free of Custom. *Signed*, J. Thurston. *Endorsed*, Recd. Read May 30, 1701. $\frac{3}{4}$ p. [*C.O.* 194, 2. No. 43; and 195, 2. p. 445.]

May 30.
Whitehall.

489. William Popple to William Lowndes. The Council of Trade and Plantations send you the (*above*) letter, to lay before the Commissioners of the Treasury. [*C.O.* 195, 2. p. 446.]

May 30.
Whitehall.

490. William Popple to Sir Henry Ashurst, Bart. The Council of Trade and Plantations order me to acquaint you that their suspense in reporting upon the draught of a Charter for Harvard College, which they had from you, is for want of Mr. Solicitor General's report upon it. [*C.O.* 5, 909. pp. 423, 424.]

May 30.

491. Journal of Council of Trade and Plantations. Letter from Mr. Thurston read, and transmitted in a letter to Mr. Lowndes.

Acts of Barbados, Jan.—March, 1700, further considered.

Mr. Attorney General's report upon two Acts of Barbados, Sept. and Nov., 1700, read, and the said Acts also read and considered.

Ordered that notice be given to Sir Henry Ashurst that the

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suspense of the report of this Board upon the draught of a Charter for Harvard College is for want of Mr. Solicitor General's report thereupon, which had been desired in February last. [*Board of Trade. Journal, 14. pp. 46, 47; and 98. No. 98.*]

May 30.
Boston.

492. Minutes of Council of the Massachusetts Bay. Treasurer's account paid. Balance of the 1,500*l.* voted May 29, 1700, for the repair of fortifications on Castle Island, ordered to be paid to Thomas Brattle on account.

Wages of garrison of H.M. Fort Mary at Saco paid.

John Leighton's account paid.

Peter Sergeant paid 20*l.* for the entertainment of Lord Bellomont, before H.E.'s keeping house.

Samuel Sewall paid for rent of stable for H.E.'s horses.

10*l.* paid to Samuel Moody, Minister of York. [*C.O. 5, 788. pp. 57-59.*]

May 30.

493. Minutes of Council of New York. The Governor produced the King's Letter and Order about the Towns of Rye and Bedford, March 28, 1700, which was read and ordered to be entered in the Council Book. [*Entered here.*]

Proclamation ordered accordingly, and that it be inserted therein that the High Sherif of the County of West Chester, accompanied with two Justices of the said County, do repair to the said Towns of Rye and Bedford and publish the said Proclamation, and requiring the inhabitants of the said Towns to give obedience to this Government pursuant to H.M. Royall will and pleasure at their perills.

Letter from H.M., Feb. 2, 170*9*, relating to accessories of pyrates, was read and ordered to be entered in the Council Book. [*Entered here.*]

The King's letter, Jan. 19, 170*9*, relating to the Forts and the frontiers, read and ordered to be entered in the Council Book, together with a paper enclosed therein containing the quota of men to be furnished by each of H.M. Plantations on this continent. [*Entered here.*]

Letter from the Council of Trade and Plantations, Oct. 11, 1700, referring the Petition of Mathew Plowman to the Governor, was referred by him to the Council to inquire into the truth of the allegations therein.

The accounts of Robt. Livingston were referred to a Committee.

Petition of Jacob Isaac read and referred to the Collector and Receiver General, to enquire and report thereon.

Letter from the Council of Trade and Plantations read, and in accordance with a clause therein, ordered that a High Court of Chancery do meet and sit on the first Thursday in Aug., and from that time on the first Thursday in every month till further order. The Council desired the Governor to appoint proper officers for the said Court, that the inhabitants may apply themselves unto them as they shall see occasion. [*C.O. 5, 1184. pp. 530-549.*]

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June 1.

494. Minutes of Council of New York. Proclamations about Rye and Bedford and the Chancery Court approved and ordered to be printed and published.

The Governor acquainted the Council that, since the Earl of Bellomont's decease, and during his absence, the General Assembly, prorogued by H.E., according to their prorogation had met, and that warm debates had arose and misunderstandings happened about the right of administration of Government and particularly in this House of Representatives concerning the legality of their sitting since the Earl of Bellomont's decease; that H.M. having given unto him the power of adjourning, proroguing and dissolving of General Assemblies, he thinks it advisable, in order to the putting an end to all differences and misunderstandings amongst H.M. subjects, that for the future they may be firmly united in H.M. interest and service, as well as their own good and welfare, to dissolve the present Assembly.

Proclamation ordered to be printed and published accordingly.

Writs for the Election of a New Assembly to meet and sit on the first Tuesday in August ordered to be prepared.

The Governor and Council taking into their consideration that M. de Marriour, a subject of the French King and an inhabitant of Canada, a person said to have a great influence over our Five Nations, is designed for Onnondage, as it is believed, to debauch our Indians, it is the opinion of this Board that a person be sent to Onnondage to defeat his endeavours. The Board think it for H.M. service that the Governor do speedily repair to Albany to meet the said Indians and engage them to a firm adherence to the Crown of England, and that Capt. John Bleeker do immediately on notice hereof repair to Onnondage with an Interpreter and acquaint the Five Nations that the Governor does appoint them to meet him at Albany, July 1, where they will receive from him a considerable present; that Capt. Bleeker do inquire with all imaginable diligence if M. de Maricour or any French either are or have been, amongst the Five Nations, and what they have insinuated to them, and to order them not to hearken to anything that either has or may be offered unto them, until they shall meet the Governor at Albany. Capt. Bleeker and the Interpreter to come from Onondage with the Indians to Albany and not before.

Proclamation ordered confirming all officers, civil and military, in their offices till further order.

Ordered that the Receiver General lay before the Governor an account of what moneys he hath received of the 1,000*l.* raised by Act of Assembly for building a Fort at Onnondage, and that the Clerk of the Council prepare circular letters to the Justices of the several Counties who have not yet paid their quotas.

Proclamation ordered urging all Sheriffs, Justices of the Peace, freeholders and other persons concerned, that they be very circumspect and observing of the Law made for ye Elections of Representatives, and that they endeavour to prevent as much as possible all partiality or undue elections and returns. [*C.O.* 5, 1184. *pp.* 549-553.]

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June 2.

495. Minutes of Council of Bermuda. List of the Colonels, Lieutenants and Ensigns :—

St. Georges. Daniel Tucker, Lieut., Humphry Burchall, Ensign.

Hamilton and Smith's Tribes. William Stone, Lieut., Richard Penniston, Ensign.

Devon Tribe. Florentius Cox, Lieut., Wm. Watlington, Ensign.

Pagitt's Tribe. Nathaneel Butterfield, Lieut., Nathaneel Prudden, Ensign.

Warwick Tribe. John Harvey, Lieut., George Tucker, Ensign.

Southton Tribe. Philipp Lea, Lieut., Joseph Todd, Ensign.

Sandys Tribe. Jonathan Birch, Lieut., Joseph Hinson, Ensign.

Pembroke Tribe. Thomas Wood, Lieut., William Stafford, Ensign.

Petition of Benjamin Wainwright *re* Thomas Forster read. Ordered that the latter shew cause why it be not granted.

This day appeared Capt. Matthew Newnam and shewed unto Charles Walker as Attorney to Nicholas Trott, senr., the Order of the King and Council, and also to John Brooke, one of the Commissioners for Trott, and moved that nothing in that matter be proceeded on till Capt. Newnam be present. [*C.O.* 40, 2. *p.* 36.]

June 2.
Boston.

496. Isaac Addington to Wm. Popple. Transmittung duplicate of Acts sent April 23, and one further Act passed April, 1701, with Journal of Assembly of Massachusetts Bay, Feb. and April, and Minutes of Council, Jan. 9—May 13, 1701. *Signed*, Isa. Addington. *Endorsed*, Reed. 12th, Read July 15, 1701.

1 *p.* *Enclosed*,

496. i. Memorandum of Minutes of Council referred to above.

$\frac{1}{2}$ *p.*

496. ii. Memorandum of Minutes of Council in Assembly of the Massachusetts Bay, Feb. 12—April 19, 1701.

$\frac{1}{2}$ *p.*

496. iii. Memorandum of Acts referred to above. $\frac{1}{2}$ *p.*

496. iv. Memorandum of Acts referred to above. $\frac{1}{2}$ *p.*

496. v. Memorandum of an Act, April 19, 1701, referred to above. $\frac{1}{2}$ *p.* [*C.O.* 5, 862. *Nos.* 54, 54.i.-v.; and 5, 909. *pp.* 453-455.]

June 3.
Whitehall.

497. William Popple to Sir Bartho. Gracedieu. The Council of Trade and Plantations desire your care in procuring Mr. Attorney General's Report upon some Acts of Jamaica, June 1699, which were sent to him May 24, 1700, and have lain ever since that time in his hands. [*C.O.* 138, 10. *p.* 164.]

[June 3,
1701.]
July 10,
1700.
Bermuda.

498. Ch. Walker, Anthony White and others to the Council of Trade and Plantations. The happy subjects of the neighbouring Plantations enjoy an uninterrupted freedom of trade and liberty, whilst the poor discouraged Bermudians in melancholy toanements their misfortunes, like the primitive Babylonian captives.

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We therefore submitt the following papers to your Lordships, all which have been occasioned by a petition presented unto ye Governor and Council, setting forth the irregularity and illegal practices of Judge Nelson. *Annexed,*

498. i. Petition to Governor Day and Council. April 1, 1700. Petitioners have long been exposed to the implacable malice, envy and prejudice of Gilbert Nelson, whom your Excellency alone hath made soe great that he is almost master of our lives and fortunes, by appointing him Chief Justice and Judge of all Courts and one of the Council, a trust too great to be lodged in one single person, especially in him, whose base, unjust and barbarous principles, and late and former clandestine and illegal actions hath rendered him both by the Laws of England and H.M. immediate Instructions altogether incapable of executing and managing public business, and that hee hath also forfeited his right and privilege to such honourable preferments in these Islands. Petitioners being now ready to prove the same, crave leave to lay before your Excellency and Council the proofs of such matters, and that Gilbert Nelson may be degraded and left open to the Law. *Signed,* John Dickinson, Tho. Smith, Tho. Harford, Charles Walker, Antho. White, Sam. Spofferth.

The Governor returned no answer, neither enquired into the matter, only endeavoured to persuade the Council to joine with him in committing the petitioners to prison, but the Council refused. The next account we had was summons, May 3, 1700, to appear next Council day, which we did, but the Governor utterly refused to allow any hearing, notwithstanding most of the Council earnestly requested the same. And hee, the Governor, with unworthy base expressions did affront and abuse the petitioners, telling them they should attend his pleasure. On June 3 petitioners attended to receive an answer, but the Governor severely threatened and abused them, saying he would make them examples, and after abundance of very hard names, he ordered that they should attend the Council, July 1. But before that they were served with an order from the Governor requiring them to exhibit their respective accusations and charges against Gilbert Nelson into the Secretary's office within two days, together with the copy of the proofs and allegations you have taken about the same, that Nelson may file his answer and the matter be proceeded on according to Law, Justice and Equity (June 26, 1700). Whereupon Petitioners exhibited into the Secretary's office the following charge. 1. He has broken the oath which he either hath or ought to have taken. 2. Hath been an evil Councillor to the Governor, and hath practiced prejudging of matters before they judicially came before him. 3. Hath been divers times guilty of that black and hellish crime of sordid bribery, particularly in the case of Daniel Keele *v.* Robert White, 1696, Joseph Stovell *v.* George Tucker, 1699, Tho. Barton etc. *v.* Lewis Johnson, 1699. We propose that some

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of us be empowered by Order or Commission to examine witnesses and take depositions relating to the matters charged, that thereby we may be more fully enabled to exhibit copies of affidavits into the Secretary's office; also that Gilbert Nelson may be suspended from all his offices and preferments until he shall discharge and acquit himself from the charge here exhibited against him. June 28, 1700. The preceding paper was lodged in the Secretary's office about five o'clock in the afternoon, and a warrant was immediately issued for the arrest of Petitioners for their contempt of the Governor's order of the 26th (*quoted*), and accordingly the Deputy Marshall did on the 29th seize Charles Walker, Anthony White, Samuel Spofferth and Thomas Harford, and without examination they were confined in the common gaol, where they remained several days, before any bail would be taken or allowed. *Copy of Commitment*, June 29, 1700. *Signed*, Gilbert Nelson. On July 3 two of the present Council, Capt. Richard Peniston and Robert White, were summoned to appear before the Governor of St. Georges, where when they came the Governor affronted and abused them after a most rude and barbarous manner, calling them the usual names of dogs, rogues and rascals, and demanded of them what the affidavits were which they had made against Mr. Nelson. They answered that they were ready upon a fair hearing to declare what they knew, and would justify what they had done, but at present were not willing to concern themselves further therein. Upon which they were immediately committed to prison and there confined several days, till they found sureties for their appearance to answer that contempt the next assizes. We pray that you will use your interest with H.M. for our speedy deliverance and protection. *Signed*, Cha. Walker, Anthony White, Sam. Spofferth, Thomas Harford. *Endorsed*, Recd. 3rd, Read June 5, 1701. 13½ pp. [C.O. 37, 3. No. 57.]

[? June 3.] **499.** Francis Eyles to the Council of Trade and Plantations. Prays, on behalf of Governor Grey, that copies of the petition, etc., of Mr. Skene may be transmitted to H.E., that he may justify the proceedings in this affair so far as they concern him. *Signed*, Frans. Eyles. *Endorsed*, Recd. Read June 3, 1701. 2 pp. [C.O. 28, 6. No. 3; and 29, 7. pp. 321-323.]

June 3.
Boston.

500. Lieut.-Governor Stoughton to the Council of Trade and Plantations. *Recapitulates letters of April and May*. Since writing, I have with the advice of the Council commissioned some persons to manage a treaty with the Eastern Indians, and to endeavour to prevent their being debauched by the French, that they [*may*] not take part with them against us, and to oblige them by presents and assurances of full supplies for Trade to be afforded them and of kind usage therein beyond what they have had from the French. The said Commissioners are not yet returned. *Acknowledges receipt of Commission for trying pirates etc.*, as also of Orders in Council declaring H.M. approbation of several Laws and his repeal of others, "which I shall endeavour

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may be amended, having regard to the exceptions made by your Lordships thereto." I have likewise received H.M. letters, Jan. 19, and Feb. 2, 1709, all of which I have communicated to the General Assembly now sitting, and recommended unto them, that such provision may be made by them as is proper on the several heads therein mentioned. They had before granted money for the repairing and making of new Fortifications on Castle Island, which are in doing by the advice and direction of Col. Romer. I apprehend it will be difficult to prevail with the Assembly to be at charge for the building and maintaining of Forts at Piscataqua and elsewhere in New Hampshire (which is challenged to be the Propriety of a single private person) for the defence whereof this Province expended many thousands of pounds in the assistance given H.M. subjects during the late war, and are not reimbursed any part thereof. They also apprehend that the inhabitants there are as able (if not more), to bear the charge of necessary Forts and Fortifications for their own defence than those of this Province, who are extremely impoverished, and many scarce able to provide for their necessary subsistence, are to support the vast charges this Government are at for those within the same, which are also barriers to that Province, and divers of our towns and places lye more frontier.

As to the erecting of a Fort at Pemaquid, it is the general opinion of all who know the place, that the situation thereof is such as renders a fortification there of very little or no use for the securing of any of our Plantations, nor can it be a bridle to the Indians, being far remote from any present settlement of the English, and lies much out of the common road of the Indians, the greatest number of which that usually annoy us, having their Plantations and Settlements on this side thereof. The quota required from this Province for the assistance of New York do's much startle H.M. subjects here, who apprehend themselves to lye more open and in danger of an invasion than that Province, and altogether as unable (if not more) than they to defend themselves without further assistance, and they humbly hope for H.M. Royal Grace therein. *Signed*, Wm. Stoughton. *Endorsed*, Recd. July 7. Read July 11, 1701. 3 large pp. *Enclosed*,

500. i. Abstract of preceding. 1 p. [C.O. 5, 862. Nos. 55, 55. i.; and 5, 909. pp. 445-451.]

June 3. 501. Lieut.-Governor Stoughton to Mr. Secretary Vernon.
Boston. Repeats substance of preceding. *Signed*, Wm. Stoughton.
Endorsed, R. July 6, 1701. 3 large pp. [C.O. 5, 862. No. 56.]

June 3. 502. Duplicate of preceding. [C.O. 5, 862. No. 57.]
Boston.

June 3. 503. Lieut. Henry Harris to the Council of Trade and Plantations. Petitioner served all the late war and afterwards in the Carribbee Islands in Col. Collingwood's Regiment, till Dec. 7, 1700, when it was broke. He was wounded in Ireland and Flanders. The Government of St. Christopher's is now vacant.

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The French, at the coming away of petitioner three months since, had 3 companies of foot, and intended to have five more in that Island. There was then one Company of English, which consisted of but 21 men, old and infirme, void of cloths and the very necessaries of life, and unable to make any defence in case of need. And there are now in that Island 200 able men, which made 5 companys before they were broke, none of which will serve in that company. Petitioner conceives there is an absolute necessity that a Governor and full company of able men or more be forthwith appointed. He prays to be heard, and, if thought qualified, to be appointed Governor and Captain in that Island where he hath interest enough to make up in 10 days one or more companys of 60 men each out of the said broken regiment. *Endorsed, Recd. Read June 3, 1701. 1 p. [C.O. 152, 4. No. 26; and 153, 7. pp. 179, 180.]*

June 3. **504.** Journal of Council of Trade and Plantations. Memorial from Mr. Eyles, in answer to Mr. Skene's petition, read. Ordered that it be communicated to Mr. Skene's friend here for his answer.

Ordered that the Secretary write to the Agents of Jamaica for the Acts of that Island, which are in Mr. Attorney General's hands.

Order of Council, Oct. 22, for constituting Mr. Lawrence a Member of Council of Maryland, received on Saturday last, was read.

Lieut. Henry Harris presented a petition to be recommended to H.M. for the place of Lieut.-Governor of St. Kitts, which was read. He was told he ought properly to apply himself to H.M. first. [*Board of Trade. Journal, 14. pp. 48, 49; and 98. No. 99.*]

June 3. **505.** Minutes of Council of the Massachusetts Bay. General Boston. Council appointed to sit on the 12th. Proclamation by Lieut.-Governor of New York, for the apprehension of several soldiers who have lately deserted their posts in that Province, was, at his request, ordered to be published within this Province and all officers and subjects required to pursue its intent with the utmost diligence.

June 4. Nathaniel Eames, Constable of Sherborne, and his assistants paid 40s. for seizing a quantity of counterfeit money and the stamps wherewith it was made, and pursuing after the persons in whose custody the same were found. [*C.O. 5, 788. pp. 59, 60.*]

June 3. **506.** Minutes of Council in Assembly of the Massachusetts Bay. Eliakim Hutchinson, anew elected Assistant for the year, took the oaths, etc., appointed.

The Lieut.-Governor gave his consent to the election of Jonathan Corwin as Assistant. [*See May 29.*]

Bills for preventing disputes etc., and prescribing forms of writs in Civil Causes, sent up, were read and passed.

Bill prescribing the forms of writs in cases triable before a Justice of the Peace, read a first and second time and passed to be ingrossed and sent down.

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June 4.

The Committee reported the amendments they proposed to be made in the Bill for regulating of trials in Civil Causes, which were read and approved, and being inserted in the Bill, the same was read and past to be ingrossed and sent down.

Bill presenting the form of writs for possession etc. was read a first and second time and committed.

Petition of Northampton and Westfield in Hampshire, setting forth that their precincts join one upon another, running upon an East and West line from Connecticut River till it extends near a great rock called Webb's Rock, and from thence Northampton bounds extends yet more westward adjacent with the precincts of Westfield, and that there is a small slip of land between the said towns, which their bounds do not extend to, and praying that said vacant land may be granted betwixt them, that their bounds may join, and that the dividing line betwixt said towns may be stated from Webb's Rock and to run two points of the compass from a west line more northerly and so to the end of their bounds, in all nine miles from Connecticut River, as is expressed in their first grant, was sent up by the Representatives with the following resolves :—That the prayer be granted, provided that the right, title or demand of the Town of Springfield according to their Town grant or agreement with Northampton be not infringed, or the right, title or demand of Joseph Parsons and Samuel Cooper, or of any other person be not thereby impeached or prejudiced ; also reserving to Wm. Hubbard 400 acres in any one place of land where he shall choose it, in consideration of his being wounded in H.M. service, which is hereby granted to him, his heirs and assigns for ever. This petition and resolve was concurred with.

The Agents of the several Churches or Congregations in Situate were heard before the whole Court respecting their precincts for the support of the Ministry.

June 5.

Bill prescribing the forms of writs in cases triable before a Justice of the Peace, sent up, was read and passed to be enacted. H.E. gave his consent.

Bill prescribing the form of writs for possession was amended, read, passed and sent down.

June 6.

Jonathan Corwin, anew elected a Councillor or Assistant, took the oaths etc. appointed.

An order by the Representatives was concurred with, that a hearing be granted to the towns of Dedham and Natick upon their difference concerning bounds, next Wednesday. The towns to be notified accordingly.

Petition of Jeremiah Bumstead of Boston was sent up from the Representatives with their resolve, that he be allowed 5*l*. per annum, in consideration of his being made a creeple by a wound received in H.M. service against the Indian enemy.

4*l*. granted to Benjamin Nason of Barwick for his charges in redeeming his daughter from the Indians.

Petition of the Town of Bradford, referring to their differences with the Town of Rowley as to their boundaries, sent up from the Representatives with their order thereupon, that the hearing

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of the matter contained in the said petition be deferred till the second Wednesday of the next Session of this Court, and that the Towns be notified to appear then, read and order concurred with. [*C.O.* 5, 788. *pp.* 266-270.]

June 4.

507. Attorney and Solicitor General to the Council of Trade and Plantations. In answer to your Lordships' queries April 30 (1) we are of opinion that Lieut.-Governor Capt. Norton may be indicted and tryed in the Court of King's Bench by virtue of the Act for punishing Governors of Plantations for offences committed by them in the Plantations, but we doubt whether he will incur the penalty of 1,000*l.* by the Act made the 7th and 8th of the King, for regulating abuses in the Plantation Trade, for the words of the Act extend only to Governors and Commanders in Chief, and is given only for the offence of not taking the oaths or putting the Acts in execution: but he will be fineable at the discretion of the Court. (2) We think a Foreigner endenized is qualified to be Master of a ship trading to the Plantations unless there be a provision in the Letters Patents of Denization that such Denization shall not enable him to be Master of a ship, which is usually inserted for that purpose, but hath been omitted in some denizations of French Protestants, since the reign of his present Majesty by Order of Council. (3) We are of opinion that a Scotchman is to be accounted as an Englishman within the Act, every Scotchman being a natural born subject. *Signed*, Tho. Trevor, Jo. Hawles. *Endorsed*, Recd. 6th, Read June 18, 1701. 1 *p.* [*C.O.* 152, 4. *No.* 27; and 153, 7. *pp.* 187, 188.]

June 5.
Kensington.

508. Order of King in Council. Whereas in pursuance of an Order of this Board, May 22 last, on ye petition of some of ye people called Quakers in behalf of their Friends in Maryland, His Majesty was graciously pleased this day to hear them and their Council learned against the draft of a Bill for the Establishment of Religion, etc., and His Majesty having likewise heard ye reasons offered for ye said Bill, is pleased to Order in Council that the Lords Commissioners for Trade and Plantations do forthwith transmit ye said draft to the Governor and Council of Maryland to be by them offered to the General Assembly at their first Sessions that shall be held after ye receipt of ye said draft. *Signed*, John Povey. *Endorsed*, Recd. 10th, Read June 11, 1701. $\frac{3}{4}$ *p.* [*C.O.* 5, 715. *No.* 40; and 5, 726. *pp.* 76, 77.]

June 5.

509. Undersigned to the Council of Trade and Plantations. We do hereby recommend Capt. George Wingfield [*for the Government of St. Kitt's or Mountserat*]. *Signed*, Auverquerque, G. Wharton, C. Godfrey, Cha. Churchill, R. Nevill, Cha. Hotham, Wm. Strickland. $\frac{3}{4}$ *p.* *On back*,

509. i. Richard Coote to the Council of Trade and Plantations. Recommendation of the same, "He having been very zealous for H.M. interest and Government and served in my Regiment as Lieutenant with all duty and diligence,

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Signed, Rich. Coote. $\frac{1}{2}$ p. *The whole endorsed*, Reed.
Read June 5, 1701. [*C.O.* 152, 4. *Nos.* 28, 28.i.; and
153, 7. p. 181.]

June 5.
Barbados.

510. Governor Grey to the Council of Trade and Plantations. I hope ere this comes to your Lordships' hands you will have received an answer to the several complaints exhibited by Loder, Crofts and Frederick and also that of Mr. Hawkins. I have now sent your Lordships an answer to the petition and stated case of one Hodges (Dec. 14, 1700), which I have good cause to believe will be very satisfactory to your Lordships. *Signed*, R. Grey. *Endorsed*, Reed. 26th, Read July 30, 1701. $1\frac{3}{4}$ pp. *Enclosed*,

510. i. Answer to the Petition and case of Thomas Hodges, Dec. 14, 1700. *Signed*, R. Grey, and John Farmer, Geo. Lillington, Geo. Andrews, Wm. Sharpe, Pat. Mein, Tob. Frere, Michael Terrill, David Ramsay, R. Scott, Ben. Cryer, Thomas Merrick, Saml. Cox. (*All the Council of Barbados.*) 3 large pp. *Endorsed as preceding*.

510. ii. Abstract of preceding. Replies to Mr. Hodges' Complaints. (1) The Court of Chancery must consist of the Governor and four Counsellors; the Law ascertains no time for ye sitting of the Court and the custom is to hold it monthly. Mr. Grey arrived in a sickly time, yet holds a Court Aug. 10, 1698, but being taken ill he did not hold any Court till Jan. 25, 1699, from which time to March, 1700, it was held monthly, except when the Law had appointed other Courts or the Governor was sick. The sickness in April, May, June, July, prevented the sitting, nevertheless a place was appointed in ye County for holding it, but ye Lawyers refused to attend. The sickness abating, the Court was held till all the causes were determined. (2) It appears by the certificate of the Register that all causes ripe for hearing were finished. (3) The King's Orders are always immediately obeyed. (4) The inhabitants generally are satisfied. Out of 78 causes determined by Mr. Grey there has been but two appeals. Nobody is guilty of bribery; the complainant is challenged to prove his assertion. Many addresses have been made to Mr. Grey acknowledging his impartial justice. (5) Neither the Governor nor Council are persons in debt; they know no Judges of the Inferior Courts in debt. No one sits Judge in the cause he is concerned in. Mr. Saddleir was not Judge and debtor as suggested. (6) Eight months elapsed before Mr. Grey's arrival: all possible dispatch was made afterwards, as appears by the Register. The Court is not answerable for the mismanagement of Mr. Hodges' Attorney. Nobody can know whether the Court would have favoured Mr. Horne's delays. (7) and (9) Whether the Court sat or no, the Appellant might have exhibited his demand of an appeal. But

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the 14 days allowed for exhibiting appeals was neglected. Mr. Chilton's is an answer to part of this article. (8) Though Mr. Horne has sold some part of the estate, the improvements made by him on the remaining part are more valuable. (10) No complaint was ever made of such fears as that Mr. Hodges' Agents were afraid to take out execution by reason of the great power of the defendants. No cause wherein he is concerned was ever brought over from any of the Courts of Law by injunction to the Chancery. (11) As to the delays in Chancery making him a loser of 1,800*l.* by the death of Sir Samuel Husbands, the Register's Certificate will shew the process of that business met with no such delays. (12) The Sessions of Chancery being but monthly, there could be but one Court held in that time, which was on March 22, when 9 causes and 12 demurrers were heard. Nothing is called a cause but a bill and answer when ready for hearing. (13) and (14) When the Complainant has made his exceptions to a short answer, he moves they may be referred to a Master. (15) There never was so little as 2 causes heard in 8 months, as the List shows, and as to the Courts of Error, the Journals of Council show their proceedings. Mr. Hodges was never concerned in a cause of Error. (16) The Government is desirous of nothing more than that a *dedimus potestatem* may be sent to Barbados to examine witnesses. (17) Mr. Chilton's letter sets forth Mr. Knapton's character and the falsehood of his declaration. 4½ *pp.*

510. iii. E. Chilton to Gov. Grey. May 17, 1701. On leaving England (1698), I refused Mr. Hodges' letter of attorney, but so far conceded that my name was inserted therein to act for him in case of Major Pillgrim's death or absence. About the beginning of June last I wrote him one short letter, which he was never intended to make such use of as he has done. It is true I writt that many causes were depending, and that the Chancery had not then dispatched one matter, which I now find to be a mistake, and that God only knew when it would. But I added the true and sincere reason, that the infection was so great that people durst not meet together. It was then so violent that I have several times gone thorough the largest street in town and could see few or noe shops open and scarce one person in the street, and soe continued for several months. Since I have been here, Mr. Hodges has never had any cause depending either in Chancery or in any Common Law Court. What had formerly depended in Chancery was amicably concluded by consent of all parties, and a decree accordingly entered in '96 before I came here. It's truth Mr. Hodges complains of it and says it's much to his prejudice and against his positive order to Major Pillgrim, and has

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desired me to endeavour to set it aside, which I would willingly have done had he given me money so to do. I am very sensible how serviceable Major Pillgrim had been to him, and for Mr. Hodges to send me the opinion of Mr. Solicitor General in England and Mr. Dod, that Major Pillgrim ought to be laid by the heels and to pay all charges for the reversal of the aforementioned decree, I thought strange, and really deterred me from being further concerned with him. I can't think Mr. Hodges to be in his perfect senses. Mr. Knapton was not concerned much in my business, for that he was so idle and proud that I could never depend upon him, insomuch that I thought it better to deliver his indentures than to keep such an useless person at charges. I only knew one case of a Court being put off for a burial, and that was on account of Mr. Hooper, my Predecessor, being dead. It's truth that Mr. Hodges gave me his orders that in case things did not go as he expected, I should make an appeal to H.M., but he never sent me word who would be security therefor, and without it, it could never be granted. I have returned the bill of exchange he has drawn on me protested, for though he gives out that I have received some thousands of pounds of his, I have never directly or indirectly received one farthing more than what was given me for my fee. *Signed, E. Chilton. Endorsed, Recd. July 26. 2 $\frac{3}{4}$ pp.*

510. iv. Deposition of William Beresford, Clerk of the Court of Chancery, June 2, 1701, that the following is a true copy. *Endorsed, Recd. 26th, Read July 30, 1701. $\frac{3}{4}$ p.*
510. v. List of Business heard and determined in the Court of Chancery of Barbados, since the arrival of Governor Grey to March 20, 170 $\frac{1}{2}$. *1 $\frac{1}{2}$ pp.*
510. vi. Record of the case of Thomas Hodges *v.* Sir Samuel Husbands and Hilliard Holdip, May, 1699—March, 1700. *Signed, Will. Beresford. Reg. Canc. May 5, 1701. 1 p. [C.O. 28, 6. Nos. 4, 4.i.—vi.; and (duplicates Endorsed, Recd. Aug. 16, 1701, and without abstract ii.) 5, 5.i.—v.; and (with enclosure i. only) 29, 7. pp. 350-374.]*

- June 5. **511.** Order of King in Council. Referring enclosed petition
Kensington. to the Council of Trade and Plantations. *Signed, John Povey. Endorsed, Recd. 23rd, Read June 24, 1701. $\frac{1}{2}$ p. Enclosed,*
511. i. William Spencer to the King. Petitioner's deceased father, Col. Nicholas Spencer, was for many years Secretary of Virginia, wherein he acquitted himself with all possible honour. Petitioner being well acquainted with the affairs of that country, prays the favour of serving your Majesty as Secretary. *Copy. $\frac{3}{4}$ p. [C.O. 5, 1312. Nos. 12, 12.i.; and 5, 1360. pp. 85, 86.]*

- June 5. **512.** Journal of Council of Trade and Plantations. Received
Whitehall. from Mr. Yard a letter from H.M. to Col. Codrington, pursuant

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to the Order of Council, May 8. Secretary ordered to send it forwards to Col. Codrington.

Received from Mr. Yard duplicate of the letter to Sir William Beeston, relating to the Revenue of Jamaica, and the same was inclosed in the duplicate of the letter from this Board to him, May 23.

Letter from Charles Walker, etc., dated at Bermuda, July 10, 1700, having been received here the 3rd inst., was laid before the Board.

Capt. Wingfield presented to the Board two recommendations which were read. Ordered that the Secretary acquaint him, when he calls next, that there is no salary allowed by the King for the places that he petitioned for.

Sir Philip Meadows communicated to the Board a letter to him from Col. Bayard, New York, March 8, giving an account of the Earl of Bellomont's death, etc., which was read. [*Board of Trade. Journal, 14. pp. 49-51; and 98. No. 100.*]

June 5.

513. Minutes of Council of New York. The Governor produced a message from Onnondage to Albany, June 1, relating to M. de Marriour, his going to Onnondage from Canada, which was read. This Board are of opinion that a letter be sent to Albany with a Minute of Council of June 1 enclosed, and that the Minute be sent after Capt. Bleeker in case he was departed from Albany before Col. Schuyler arrived with the said Order of Council. Ordered that the three persons who came express with the said message be paid 1*l.* 10*s.* each.

Petition of Robt. Livingston read. Ordered that Thomas Weaver be served with a copy thereof, and that he give in his answer with all convenient speed.

In pursuance of an Order of Council, June 1, the Collector states that he hath not as yet received any of the 1,000*l.* tax for building a Fort at Onnondage, but believes that the same is in the hands of the Collectors of the several towns, and that he shall receive it in a little time.

Capt. Sinclair's petition and account referred. Petition of William Richardson and account of John Crooks referred.

Ordered that the Clerk of the Council send a Letter to the Justices of the several Counties who have not paid their quotas of the 2,000*l.* tax, and that the Collector give to him an account of what summe is outstanding from each County. [*C.O. 5, 1184. pp. 553, 554.*]

June 6.

514. William Mead to the Council of Trade and Plantations. Petitioner, one of H.M. Commissioners of Customs in St. Kitts, and one of the principal inhabitants of the Island, hath for several years had the honour of being one of H.M. Council there, and for the last three years to be the Eldest Councillor or President till the arrival of the present Governor of the Leeward Islands, who acquaints him that by his Instruction, Petitioner is the last man, save one, of the list of the Council, whereby he is turned down from the top of the Table to the lower end, and divers that have been his servants and are much inferior to him in every thing

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are putt over his head. Petitioner hoping it was a mistake, prays that it be rectified. *Endorsed*, Recd. 6th, Read June 20, 1701. $\frac{3}{4}$ p. [*C.O.* 152, 4. *No.* 29.]

June 7.
St.
Christopher's.

515. Governor Codrington to [? Mr. Secretary Vernon]. The letter you did me the honour to write me in relation to Mr. Coetlogon's fleet found me at this Island. Upon the first news I received of ye probability of a war, I thought it necessary to come down here, both because the people were under such apprehensions, upon the landing of a good number of arms and other stores from Martinique, that they were ready to desert the Island, and because I was sensible the first blow of course would be struck here. I have spent the greater part of six weeks here and hope I have done all that it would have been possible for any man to have done in the same circumstances. I can safely tell you I have been not onely General but Engineer, Serjeant, and Corporal, but I shall not give you ye trouble of a detail. Whatever has been done, will be to little purpose until we are protected by a fleet, for we are not in a condition to defend ourselves. I beg you will do me the justice to assure H.M. that if I cannot serve him successfully, I can dye for Him cherefully, for noe one, who has ye honour to be employed by Him, serves Him with less reserve or more zeal. *Signed*, Ch. Codrington. *Endorsed*, R. July 25, 1701. *Holograph.* 1 p. [*C.O.* 152, 4. *No.* 30.]

June 8.
St.
Christopher's.

516. Governor Codrington to the Council of Trade and Plantations. Affairs are almost in the same situation they were when I wrote last, only the arrival of Mons. de Coetlogon's fleet has somewhat encrease the apprehensions of our people, and consequently rendered them more willing to be at ye pains and expense of providing for their defence. What they and I have been able to do, I own is very little, but as it was my duty to do all I could, I can honestly say I have endeavoured to discharge yt duty, and hope I have done as much (to encourage the inhabitants, to discipline them, to repair the forts and artillery and to take all other precautions) as anyone else could have done in my place. However, my Lords, if the French Fleet arrives first, and attacks us in good earnest, I can only assure you I will preserve my own honour, but cannot answer for ye Islands, which can only be secured by a Fleet. The best hope I have at present is that the French King is so fond of his grandson he will take more care to defend his grandson's dominions than attack ours, for ye greatest part of ye stores which came in M. de Coetlogon's Fleet, have been sent to Leeward, amongst which there was a very great number of small arms, and I am assured from good hands they are designed for ye Spaniards, and not ye French.

The French General and Intendant who were here last week proposed a neutrality to me. I answered them at first I had noe authority to treat of anything of yt. nature, and yt. was the Province of Ministers, and not Governors. They told me they had made this proposal in pursuance of their Master's maxims, who

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did all ye good he could to mankind, that they were Masters of ye Sea already, that they expected another Fleet under M. de Chasteau Renault, that they must certainly have an account of ye war three weeks before us, and might use the advantage to surprize us, but they were not willing to ruine a few miserable Planters. I told them whenever they made me a visit, I should not fail to give them a hearty welcome, that we should not think of another neutrality, until we had forgot ye good effects of ye last, and yt. henceforwards the English would take care to meet their enemys with their eyes open and their swords in their hands.

I find myself obliged to goe up to Antigua for a week, but will be ready to come away hither on a minute's warning, upon the notice of any movement in the French Fleet at Martinique. I have received two packets from your Lordships, which I will answer from Antigua. *Signed*, Chr. Codrington. *Endorsed*, Reed. 25th, Read July 30, 1701. *Holograph*. 2 $\frac{3}{4}$ pp. *Annexed*,

516. i. Abstract of preceding. 1 p. [*C.O.* 152, 4. *Nos.* 31, 31.i.; and (without abstract) 153, 7. pp. 206–208.]

June 9.
Whitehall.

517. Mr. Secretary Vernon to Council of Trade and Plantations. Referring petition of Lieut. Henry Harris for their consideration and report. *Signed*, Ja. Vernon. *Endorsed*, Reed., Read June 13, 1701. 1 p. *Enclosed*,

517. i. Petition of Lieut. Harris. Duplicate of [*No.* 503]. 1 p. [*C.O.* 152, 4. *Nos.* 32, 32.i.; and 153, 7. pp. 182–184.]

June 9.
Whitehall.

518. Mr. Secretary Vernon to the Council of Trade and Plantations. I have laid before the King your letter of May 26 about stores to be sent to the Leeward Islands, and H.M. would be informed whether you have heard from Col. Codrington what are the particular stores he desires, or whether his Agent is able to give you an account thereof. *Signed*, Ja. Vernon. *Endorsed*, Reed. 10th, Read June 13, 1701. 1 p. [*C.O.* 152, 4. *No.* 33; and 153, 7. p. 185.]

June 9.
Bermuda.

519. Lieut.-Governor Bennet to the Council of Trade and Plantations. Enclosed is a copy of the Bond given by Mr. Day, and also a petition from his security, concerning which I desire your Lordships' directions. By my Instructions it is directed that all ships shall come to an anchor in Castle Harbour or St. George's Harbour, and not to permit them to unload in any other port or harbour, which if I must continue to oblige them to do, it will be of great inconveniency to the merchant, for they have all storehouses up in the country, and have been permitted to load and unloade att their doors: and to bring their goods in boats to their ships in these harbours, would not only be of extraordinary expense, but great losses might happen by perishable commodities being put on board, and the wind continue contrary, when as, if they might load in the country, they would time it when the wind serves and sail immediately, and I doe not

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apprehend how the King can be injur'd, for all they have to trade with, as the produce of these islands, are onyons, potatoes, cabbages and hatts, etc., made of palmeta leaves, all which they carry into the West Indies. And if your Lordships shall be pleased to consider it and incline to give liberty in favour of the merchant, the King may be secured from being impos'd on by empowering me to constitute an Officer, who shall be sent for by the marchant before he putts any goods on board, and take an account as he loads and continue on board till the vessel has clear'd. The like method may be taken in ships coming in by that officer's going on board and continuing till she be unladen, and, in case of counterband goods, to have power to seize.

In the 56th paragraph of my Instructions there is only reserv'd to me collateing to benefices, granting lycences for marriages and probates of wills, but I find by the Records here that my predecessors have officiated as Ordinaries and Judges in testamentary matters by granting letters of administration to intestate estates, or where executors renounce, or allowing guardianship; and in Colonel Goddard's time and ever since, a Court has been held under the denomination of a Testamentary Court, and, as I am inform'd, prov'd very usefull by discovering several conceal'd wills, to the reliefe of poor widows and children, and calling persons to account, who had no right to administer, and granted it to those to whom it justly belonged, all which is done att a small expense to the parties; and since this Court has been held I am assured it has prevented many expensive Chancery suits, to which they may referr at last. But before I would presume to act as Ordinary therein, I desire your Lordships' directions.

This day the Assembly mett, and I have reason to believe I shall find them very well inclin'd for the King's service. *Signed*, B. Bennett. *P.S.*—Planting of Tobacco is much left off here, for want of a market to bring it to. *Endorsed*, Reed. 23rd, Read July 24, 1701. 4 pp. *Annexed*,

519. i. Abstract of preceding. $\frac{3}{4}$ p.

519. ii. Copy of Mr. Day's Bond, with three Sureties, to Mr. Mears to abide by H.M. determination upon his proceedings relating to the *Dolphin* sloop. *Signed*, Sam. Day, Wm. Seymor, Zachariah Briggs, Gilbert Nelson. *Same endorsement*. $\frac{3}{4}$ p.

519. iii. Copy of petition from Mr. Day's sureties praying leave to secure Mr. Day and to cancel their bond. *Signed*, Gilbert Nelson, Wm. Seymor, Zach. Briggs. *Same endorsement*. 1 p. [*C.O.* 37, 3. Nos. 58, 58.i.-iii.; and (without enclosures or abstract) 38, 5. pp. 168-172.]

June 9.
Whitehall.

520. Mr. Secretary Vernon to the Council of Trade and Plantations. The King sends you enclosed petition for your opinion. *Signed*, Ja. Vernon. *Endorsed*, Reed. Read June 11, 1701. 1 p. *Enclosed*,

520. i. Petition of William Bladen, Clerk of H.M. Council in Maryland, to the King, praying for the office of Secretary

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of Maryland. *Signed*, William Bladen. 1 p. [C.O. 5, 715. Nos. 41, 41.i.; and 5, 726. pp. 72-74.]

June 9.
New York.

521. Lieut.-Governor Nanfan to the Council of Trade and Plantations. *Refers to his letter of May 20.* H.M. letter of Jan. 10, with the inclosed quota of men to be provided by the Plantations, I have signified, as directed, to the Governor of East and West Jersey, and that of Feb. 2 I shall very punctually observe, and H.M. other letters to the neighbouring Governors I have sent forward. Mr. Weaver informs me that my Lord Bellomont before he dyed answered your observations on the Acts of Assembly. Our Five Nations are at present in good disposition, and in order to confirme them in their obedience to H.M. and friendship to this and the neighbouring Plantations, I have appointed them to meet me at Albany the first week in July, where I designe to give them a proportion of the present H.M. sent over. I design with me (tho' he is now at Boston) Col. Romer, to whome I have wrote, as also to Lieut.-Governor Stoughton, the necessity of his going, when with him I will particularly view all our fortifications, as well as conclude on what else shall be necessary and make report to your Lordships. A cautionary Memorandum is entered in the Council Book, as directed, in case of death, absence or removal of a Governor. I shall, with great exactness, observe your Lordships' caution as to the reconciling of differences in this Province, which undoubtedly have given your Lordships much trouble. I will always endeavour to administer justice impartially, nor shall anything weigh with me but vertue and true meritt. On perusal of the Minutes of Assembly here, who mett between my Lord Bellomont's death and my returne, I found so great heats and animosities in the House of Representatives between the two different parties, in relation to the legality or illegality of their Sessions, etc., that I could never hope any step could be made either towards the King's service or the service of this Province, by disposing them to a unanimous concurrence, so that upon several mature considerations, I thought it absolutely necessary for the King's service to desolve them, and accordingly did desolve them the 1st inst., and immediately, by the advice and consent of H.M. Council here, ordered writs to issue for the calling a new Assembly to meet the first Tuesday in Aug. next, which will be immediately on my return from Albany, when I may be able to be apprised of particulars relating to the King's service and the good of the Province in general for their cognizance. Here is a considerable parcell of the timber, plank, etc., my Lord Bellomont ordered to be cut for H.M. service, which to me appears to be very extraordinary, both for goodness and demention, which I shall waite your order for how to dispose of.

Both the officer and soldier are most abundantly thankful to His Majesty for his most gracious bounty in remitting them 20 of the 30 per cent. deducted out of their pay, and most thankfully (*sic*) to your Lordships for your favourable representation, on receipt of the new Establishment, they ware immediately began

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to be paid, and as soone as possible I can get in money, which is at present very scarce, the merchants finding spetie their best returns for England, I will take care very man shall be paid his just due from the commencement of the establishment, and I will be accountable for the surplussage persuant to H.M. Instructions. I shall be very watchful of all motions made by the French of Canada towards the debauching of our Indians from their obedience to H.M., and report constantly. The 2,500*l*. H.M. is pleased to give toward the fortification of the forts of Albany and Schenectedah shall be no wayes misapplied, and your Lordships shall have draughts of either taken by Colonel Romer, with the forme and improvements he will design to add. I cannot give you any particulars relating to the situation or form of the Fort designed at Onondage, till have discoursed Colonel Romer, but the money given by a tax here for the building of that Fort is most part received by the Collectors, and I have ordered an account thereof to be immediately laid before me, in order to the hastning the receipt of the whole summe. I will if possible procure an accurate map of our neighbouring Indian countrys, as you direct. Your Lordships shall on my returne from Albany have a perfect state of the defence of this Province. I shall make it my particular business to enquire into and improve H.M. Revenue, both by incouragement to trade and care that all several officers employed behave themselves as they ought in their several stations. The Commission for trying Pirates is received. I have ordered the Court of Chancery to be held, commencing the first Thursday in August next, and so monthly. On Thursday arrived Captain Lee with stores from the Office of Ordinance, but no letters from your Lordships. I doubt but my Lord Bellomont before he dyed represented to you the hardships the soldiers of the two detachments sent us for recruits lye under for want of clothes, they at present scarce having anything to cover them, and as I understand from Mr. Champante's letter of March last, there was then no off reckonings received, I most humbly pray your Lordships to take their necessitys under your serious consideration, so that they may be clothed before the cold weather, or otherwise 'twill be impossible for them to survive. I have ordered Mr. Champante to make his applications to you on this subject, it being so material for the King's service. Between my Lord's death and my arrival several of the soldiers have deserted, but I am in great hopes of retrieving them all by a Proclamation of pardon I issued to all shall return before the first of July next, with a reward to all shall take up any that doe not returne within that time, which I have taken care to disperse round the neighbouring Governments, and have heard that most of them design to embrace this benefit and return to their duty. I sent an inventory of the Magazin, etc., within Fort William Henry, and at my returne from Albany your Lordship shall have a particular of what's there, etc. A duplicate I send to Mr. Secretary Vernon, which I will annually do in obedience to H.M. Instruction. I shall observe your Lordships' method in transmitting Acts of Assembly. *Signed, John Nanfan.*

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Endorsed, Reed. July 28, Read Aug. 6, 1701. 4 $\frac{3}{4}$ large pp.
Enclosed,

521. i. Abstract of preceding. 1 $\frac{3}{4}$ pp.

521. ii. Inventory of Stores in Fort William Henry. *Signed*, Wolfgang Willm. Romer, Peter Mathews, John Riggs, Charles Ashfield. *Endorsed*, Reed. July 28, 1701. *Copy*. 6 $\frac{1}{2}$ pp.

521. iii. Memorandum of Minutes of Council of New York, Oct.—Dec., 1700. $\frac{1}{4}$ p.

521. iv. Memorandum of Minutes of Council of New York, Jan.—March, 1701. $\frac{1}{4}$ p. [*C.O.* 5, 1046. *Nos.* 20, 20. i.-iv.; and (*without enclosures*) 5, 1118. pp 389-397.]

June 9.

522. Minutes of Council in Assembly of the Massachusetts Bay. Bill for review in Civil Causes was read a first time.

An Order by the Representatives was read and concurred with and received the Lieut.-Governor's consent :—reviving and continuing the Committee to receive claims of debts contracted by the Publick during the time of the government of Sir Edmund Andros for three months, after which time no such claims shall be received, which the Committee are to signify by advertizements sent to ye several towns. The Committee to be impowered to grant Debentures upon such claims as upon previous ones.

An Order by the Representatives was read and concurred with and received the Lieut.-Governor's consent :—that, for a full settlement of the difference among the inhabitants of Situate respecting the support of the Ministry in the two Congregations, the Brook commonly called Millbrook or First Herring Brook be the dividing line of the town, *etc.*, *etc.*

June 10.

John Phillips, Penn Townsend and Nathaniel Byfield, anew elected Assistants, took the oaths, *etc.*, appointed. They and John Nelson, the Commisisoners employed on a negotiation with the Eastern Indians, presented to His Honour and the Board a Memorial of their negotiation, which was read and sent down.

Bill for review in Civil Causes was read a second time and committed.

Bill for further continuing of several Acts near expiring, sent up, was read a first and second time, and a clause in addition to the Act for levying souldiers being added thereto, a concurrence passed with the Representatives that the said Bill be ingrossed.

Petition of Capt. Thomas Browne, praying compensation for the loss of his horse in pursuit of ye Indian enemy, 1697, sent up by the Representatives, with their resolve that he be paid 5*l.*, was read and concurred with.

Accompt of Caleb Ray, late Keeper of H.M. gaol in Boston, ordered to be paid.

June 11.

Wait Winthrop, anew elected Assistant, took the oaths, *etc.*, appointed.

Bill prescribing the form of a writ for possession, sent up, was read and passed, and received H.E.'s consent.

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The Agents of the Towns of Dedham and Natick were heard before the whole Court as to their boundaries.

Resolve of the Representatives, upon the petition of Thomas Drury, David Rice and other farmers adjacent to Sudbury lately laid to Framingham, was sent up and concurred with, appointing a Committee to go upon the place and settle the lines between Sherborne and Framingham according to the Order of the Court, May, 1700, also having regard to all former grants relating thereto, and to make reports of their doings to the present Session.

The following Resolve was sent down to the Representatives and returned with their concurrence:—that the Committee for regulating the Plantation of Brookfield take order that there be an exact plott made by a sworn Surveyor of eight miles square with the description of certain lines for boundaries and the quality of the land, to be laid before the Court at their next Session, in order to the ascertaining the grant of the said Plantation. [C.O. 5, 788. pp. 271-275.]

- June 9. **523.** Minutes of Council of Virginia. H.E. laid before the Council H.M. Letter of Dec. 30, 1700, appointing Dr. James Blair a Member of Council. He was sworn a Member, accordingly.

Captain Edward Nevil, Commander of H.M.S. *Lycoln* [sic], his Orders and Instructions from the Admiralty read and ordered to be recorded.

- June 10. H.E. laid before the Council H.M. letter of Feb. 2, which was ordered to be recorded and the Commission for the trial of pirates and accessories, etc., ordered to be sent to the Governors of South and North Carolina.

Upon reading the Instructions from the Admiralty to Capt. Passinger, and Secretary Burchett's letter, Jan. 24, 1701, concerning H.M.S. *Southampton* coming hither to relieve the *Shoreham*, and the *Southampton* being not yet arrived, H.E. and Council proposed to Capt. Passinger whither he can undertake to convoy the merchant-ships now outward bound for England. He replied in writing, desiring to consult his original orders and Mr. Burchett's Letter, and to take the opinion of his officers. H.E. and Council not knowing but the *Southampton* may speedily arrive here, conceive it proper that the embargo be continued until the 20th June to the end that if the *Southampton* then arrives, the merchant ships may sail under the convoy of the *Shoreham*, but if not, that they may for their better safety go out in one entire fleet, at which time also Captain Nevil, H.M.S. *Lyncolne*, will have recruited with wood and water, and hath promised to convoy this fleet to the utmost of his cruising coast. It being proposed to the Council by H.E. whether it be proper and convenient that the Clerk of any County Court should at ye same time also be Surveyor of ye same County, the Council are wholly of opinion that it is altogether improper, inconvenient and inconsistent with ye rules of Law that they should hold both places at one and ye same time.

1701.

What is written by Sir Tho. Frankland to H.E. concerning ye Post and conveying all letters, and also yt. pt. of Col. Hamilton's letter relating to ye same subject, referred to the Committee appointed to revise the Laws.

Upon reading the petition of the aforesaid Committee, that since the death of Mr. Fowler, they have made it their care to provide another person to supply his place, and not finding any duly qualified, pray for H.E.'s assistance, H.E. with advice of the Council, and not knowing of any person capable to undertake that place, it is thought proper that, notwithstanding such impediment, they proceed with what expedition they can, and if it is longer in doing, a favourable construction may thereof be given.

Proclamation ordered to be prepared prorogueing the Assembly to Aug. 6, and to lie ready in the Office until it may be seen what further offers for H.M. service, and then to be issued forth as [to] H.E. seemes fitt.

It being certaine that there will be but few shippes to go out of this country after ye sailing of this fleet, and none of ym. of any force, it is considered by this Board that to keep them here may be much to their prejudice, therefore ordered that the restraint laid upon Collectors and Naval Officers not to clear any ships after June 12 be taken off.

Order that the Clerk of the Council send to the Collectors and Naval Officers a copie of that part of Capt. Nevill's Instructions relating to his saleing and return to England, yt. they may communicate ye same to ye Masters of Ships trading in the River, that if they think good, they may stay till yt. time and take convoy under him.

The Hon. Wm. Byrd, Esq., laid before the Board a report in writing, dated May 10, 11, 1701, setting forth ye state and condition of the French Refugees at Mannikin Town.

Complaints being made in behalf of the Nanzemond Indians, yt. two men of their Nation are forceably taken away by ye Pomonkey Indians and in like manner detained, H.E. and Council, desiring that peace and amity may be maintained amongst all our neighbouring Indians, ordered that the Interpreters of ye Pomunkey Indians do forthwith cause ye aforesaid Indians to be surrendered and sent to their own Nation, ye Nansemond Indians.

Information being made to ye Council Board yt. notwithstanding the embargo several ships from Maryland do daily go out of ye Capes in open view in prosecution of their intended voyage, and never come into ye mouth of James River to joyne with the fleet or take convoy, with which the masters here are much dissatisfied, yt. ymselves should be forced to stay, whilst others take all oportunities to speed away, the Council, conceiving this may be very prejudicial to H.M. service and interest, and to the common safety intended by ye embargo, because if any of ym. should chance to be taken, they may discover the measures here taken, and thereby much prejudice the fleet, represent the same to H.E. and desire that he will represent the whole matter to Governor Blackiston.

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June 11. The Hon. Ed. Jenings presented to the Council an abstract of ye method of proceedings in the Courts, as ordered to be drawn March 9th. This was read and approved.

Several proposals and representations to the Council of Trade and Plantations being drawn up pursuant to the Order of Council April 25 last, laying down several reasons for augmenting the yearly salary to be allowed to H.M. Attorney General and ye Clerk of ye Council, were read and signed by H.E. and the Council.

Upon reading several letters from New York and other Northern parts, intimating certain distractions in those parts arising amongst them upon the death of the Earl of Bellamont, this Board conceiving that yt. ye same may, if not timely prevented, tend much to the prejudice of H.M. interest in those parts, proposed that some fitt person of sound judgment, known ability and integrity be sought out to go out into those parts, privately to inquire and find out ye state of affaires theire, and to communicate the same to H.E.

Upon consideration of the lands in ye Maine called Governor's Land, ordered that ye Records of James City County be searched, and if they find any person seated upon ye said lands, who have not caused their lease to be put upon record, that ye Sherrif of James City County immediately order every such person to put his lease upon record, to ye end it may be known how and in what manner, and under what rents and services ty. hold the same. Further ordered that the Clerk of the Council desire the executor of Mr. Jno. Soane, late Surveyor of James City County, to search his papers for a general survey of ye said lands and to send the same to H.E. Ordered that the Clerk of the General Court and the Clerk of James City County Court take an account of the several leases in each of the said Offices, concerning the same lands, and draw a scheme thereof.

The Hon. William Byrd presented his report (pursuant to an Order of Council July 10, 1700), concerning the boundaries of North Carolina. "In obedience to H.E. command in Council for executing H.M. rights on ye bounds between Virginia and North Carolina, I have given directions to ye Sherrifs of ye respective counties bordering on Carolina, strictly and carefully to collect H.M. Quit-rents for all the lands yt. were ever held of this Government, and in case of opposition or denial, forthwith to give notice to H.M. Attorney General, yt. such persons may be prosecuted."

An account of the whole proceedings concerning the State of Defence of Virginia as represented to the Council of Trade and Plantations, May 8, 1701. *Quoted in full with repetition of proceedings in that matter in 1699. Pp. 107-113. [C.O. 5, 1409. pp. 103-113.]*

June 9. **524.** Minutes of Council in Assembly of Bermuda. A clause from H.M. Instructions to the Governor about settling the quit-rents was read, and the Council advised that by the grant of King James I, these Islands were granted to be holden as of the

1701.

Mannor of East Greenwich in free and common soccage and not in capite, and therefore they cannot advise any quit-ren for the same.

Edward Jones, Provost Marshall, allowed one fortnight to make his answer to the petition of Mrs. Jane Milbourne.

Commissions issued according to Order in Council, Dec. 21, 1699.

The Assembly attending announced that they had elected John Brooke to be their Speaker, and took the oaths appointed.

June 11. The Lieutenants and Ensigns signed the Association. The Field Officers and Captains appeared with their Commissions and were appointed their Stations, viz., Colonel Anthony White, Lieut.-Col. William Tucker, Major John Trimmingham, Captains Seymour, Morris, Penniston, Dorrell, Gilbert, Smith, Keele and White, Captains in this order of seniority.

June 12. A Committee of the Assembly returned their votes about the Castle.

Zachariah Briggs paid 6*l.* for pilotage of H.M. frigate *Lincoln*, but this not to be regarded as a precedent. [*C.O.* 40, 2. pp. 37, 38.]

June 9. **525.** Journal of Assembly of Bermuda. The Assembly: John Brook, Speaker. *St. George's*: Capt. George Dew, Capt. Daniell Johnson, Lieut. Daniell Tucker, Capt. Samuel Stone. *Hamilton Tribe*: Lieut. Col. William Outerbridge, Capt. John Peasley, Lieut. William Stone, Malachy Hall. *Smith's Tribe*: John Dickinson, Tho. Smith, Senr., Daniell Scroggum, John Gilbert. *Devon Tribe*: Samuel Sherlock, Capt. Richard Gilbert, William Combar, Tho. Mynott. *Pembroke Tribe*: Richard Hanger, Samuel Saltus, Adaman Eve [*sic*], Nathaniel Waterman. *Pugets Tribe*: Major John Trimmingham, Lieut. Peter Prudden, Benjamin Thornton. *Warwick Tribe*: Capt. Thomas Gilbert, Henry Tucker, William Harvey, Michael Taylor. *Southampton Tribe*: Capt. George Darrell, John Jennings, William Leeroft, Thomas Gibbs. *Sandys Tribe*: Jonathan Birch, Jerimiah Birch, Daniel Hinson, Joseph Appleby.

Capt. John Peasley was appointed Treasurer.

Mr. John Kendall was desired to preach a sermon on the ensuing day. (*And see preceding abstract under date.*)

June 10. Mr. Thomas Gibbs was granted leave to go out a voyage to sea. John Kidgell was sworn Clerk of the Assembly, and Thomas Bostock was appointed his assistant.

Committee of Grievances appointed to hear and examine all grievances and other matters relating to the public.

The Assembly attended the Governor and Council in the Sessions House. H.E. made and delivered the following speech in writing to Mr. Speaker:—The King our Master's Commission and Instructions obliged me to call you together and to lay before you for your considerations:—(1) That the Castle, Forts and Platforms be repaired, the necessity of which I hope will meet with no opposition, especially since we have so many reasons to apprehend a warr. (2) That a duty of 1 penny per lb. be settled

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on all tobacco exported, but so as H.M. may lessen it to what proportion shall from time to time be thought fitt, and that no person be permitted to lade any tobacco on any ship before security be given for payment of H.M. Customs. (3) That the Prison and other public houses be repaired, and that a sufficient levy be settled for the defraying the charge thereof and what else shall be done for the safety and interest of these islands. (4) That each Planter shall keep such a number of white servants as shall be by you thought convenient, and that they appear in arms, at such times as shall be required. (5) That an Act be passed for the strict observance of the table of marriages. (6) That all inhuman severities of Masters or Overseers towards their Christian slaves may be restrained, and that a way may be presented to facilitate and encourage the conversion of negroes and other slaves to the Christian Religion. (7) That the raising of stocks and building public work houses for the poor would be convenient. (8) That a moderate quit-rent be settled for the lands enjoyed by the inhabitants.

The Governor recommended these matters to the Assembly; desiring them to lay aside all animosities of parties and unanimously resolve to consider what may most conduce to the King's interest and the public good. The House returned their thanks. Voted, that the Castle forts and platforms be faithfully repaired.

June 11. The Assembly replied to the Governor's speech. (1) The repairing of the Castle was resolved. (2) This is provided for by 25 Charles II., but the produce of tobacco in these islands is at present so small that a very small Custom ariseth, and smaller profit to the Planter. (3) Resolved that the prison be repaired according to former custom. (4 and 5) We have no Christian slaves transported hither, and therefore have no want of such a Law. As to our slaves' conversion, the proper means is not denied them, and they generally resort to the publick places of worship. As to quit-rents (8) never any have been paid since the first settlement of these islands, but for defraying the contingent charges of the Government care hath been taken to raise moneys from time to time by other methods, particularly, at the last Sessions of Assembly under Governor Day, a considerable imposition was settled upon liquors, to continue for two years, but the Clerk having by a great oversight left out a whole paragraph in entering the Act in the Book of Records, Governor Day most dishonourably endeavoured to make advantage thereof, and most unjustly extorted several sums of money from several persons as a duty, after the said Act was really determined. We are confident your Excellency and Council will agree with the votes of this [*? House*], that the said Act is determined, and the mistake of a Clerk cannot make that Act indefinite. Therefore we most humbly desire that it be published and declared to be determined, and your Excellency shall find that we shall take effectual care for the support of the Government and for all other things to the utmost of our abilities that may in any manner conduce to the service of H.M., etc.

1701.

A Committee was appointed to inspect the Castle and Forts.

Thanks of the House and eight pieces of eight presented to Mr. Kendall for his sermon.

The Committee of Grievances reported that two of the King's slaves were sent off these Islands by Samuel Day, and they were of opinion that he should return or refund for the same. Other cases, of slaves seized by Mr. Day and sold by him, referred to.

Several offices, as Provost Marshall and Secretary, being enjoyed by sundry persons, they recommended that every such person enjoying any of the said offices should be obliged to give in sufficient security for their faithful performance of their said office.

June 12. The Representation of the Committee of Grievances as to Mr. Day's conduct referred to H.E. and Council. Ordered that restitution be made by him as the Governor and Council shall direct. Voted that barrocks [*sic*] with chimneys be built in each Fort. Committees appointed to inspect the Forts. [*C.O.* 40, 2. *pp.* 243-251.]

June 10. **526.** Mr. Secretary Vernon to the Council of Trade and Plantations. The King refers enclosed petition for your opinion. *Signed*, Ja. Vernon. *Endorsed*, Reed. Read June 11, 1701. 1 *p.* *Enclosed*,

526. i. Petition of Sir Thomas Laurence, Bart., to the King. Petitioner some years since suffered great hardship as Secretary of Maryland under Governor Copley, in the execution of the said office, and was at great charge in settling the rights of it against the oppressions of Col. Copley and the opposition of Lord Baltimore. In 1698 returning very ill to England, your Majesty conferred the said office on Thomas Laurence, his son, who has lately died in Maryland, and great arrears of the fees of the said office being due not only to his son but to himself, petitioner prays that the office of Secretary of Maryland may be once more conferred on himself. *Signed*, Thomas Laurence. 1 *p.* [*C.O.* 5, 715. *Nos.* 42, 42.i.; and 5, 726. *pp.* 74-76.]

June 10. **527.** Minutes of Council and Assembly of New Hampshire. James Davis and Timothy Hilliard sworn Members of the Assembly.

Richard Jose, Sheriff of this Province, produced a Commission signed by Lord Bellomont, Aug. 1, 1699, to execute said office till Sept. 29, 1700. He complained that this Commission was falsely recorded by the late Secretary, Mr. Samson Sheafe, and was so found to be. Present Secretary ordered to record the original anew. [*C.O.* 5, 789. *p.* 25.]

June 10. **528.** Minutes of Council of the Massachusetts Bay. Ordered that the appeal of John Greenleafe, of Boston, be heard before this Board on June 19. [*C.O.* 5, 788. *pp.* 60, 61.]

Boston.

1701.

June 11.
Whitehall.

529. William Popple to Sir Thomas Laurence. Since your speaking with the Lords Commissioners for Trade and Plantations this morning, they are desirous, before representing their opinion to H.M. upon your petition, to have your positive declaration in writing whether you are willing to accept of a place in the Council of that Province according to the usual constitution, and in taking upon you the place of Secretary of Maryland, to repair thither and reside there in the execution of it. [C.O. 5, 726. pp. 77, 78.]

June 11.
Whitehall.

530. Journal of Council of Trade and Plantations. Mr. Blathwayt communicated to the Board a letter from Mr. Grey to himself, April 3, which was read, and a copy kept thereof.

Upon intimation of some complaints of irregularities practised by the former Lieut.-Governors of Mountserat, directions were given for preparing a letter to Col. Codrington, with reference to Col. Hodges, who has lately been put into that place.

Ordered that a letter be prepared to Mr. Secretary Vernon to lay before H.M. a state of the devolution of the Governments of New York, the Massachusetts Bay and New Hampshire, upon the death of the Earl of Bellomont.

Letter from Mr. Secretary Vernon, June 10, read. Sir Thomas Lawrence being thereupon called in, did assure the Board that he intended to reside there (*Maryland*), and execute the place in his own person; but afterwards desiring that he might be constituted a Member of H.M. Council there, and placed the first in rank thereof, as he had been formerly, which appeared not practicable according to the method observed in filling up vacancies in the Councils in all H.M. Plantations, he seem'd not well determined whether to accept of what could regularly be granted him, or not; whereupon he being withdrawn, their Lordships ordered the Secretary to write to him for his positive resolution in writing.

Letter from Mr. Secretary Vernon, June 9, referring the petition of William Bladen; also a letter from Col. Blakiston, April 15, in recommendation of him, were all read, together with some other papers exhibited to the Board by Mr. Bladen's father in favour of his son.

Order of Council, June 5, upon the draught of a Bill for the establishment of Religious worship in Maryland, read. Directions thereupon given for preparing a letter to the Governor and Council of Maryland, wherein to transmit the said draught, that it may be offered to the General Assembly at their first Sessions after the receipt thereof, in order to the passing it into an Act in the usual manner.

Mr. Randolph acquainting the Board that there is now no probability of passing this Session the Bill, which has some while lain before the House of Lords, for reuniting to the Crown the Government of several Colonies and Plantations in America, and that several of the witnesses, which he had now ready to have produced about that matter, will not be here at another Session of Parliament, their Lordships desired him to take all their affidavits that may be material before a Master in Chancery,

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and to lodge 'em here, which he promised to do accordingly. [*Board of Trade. Journal, 14. pp. 52-55; and 98. No. 101.*]

June 11. **531.** Minutes of Council and Assembly of New Hampshire.
 Portsmouth: Bills for establishing bounds, limitation and quieting possessions, against trespassing on town commons, strengthening Sheriffs, Constables, etc., for an addition to the Act relating to Courts, to prevent frauds in tanners, for a constable's watch, sent up, were read.

Edward Toogood, Saml. Whidden and Mr. Penhallows' man paid for work in connection with the Fort at Great Island.

June 12. Bill for the settlement of Intestates' Estates, an Additional Bill to the Marriages Law, and Bill for punishing Criminal Offenders sent up, were read.

Bills against trespassing, preventing frauds, and for strengthening Sheriffs, Constables, etc., amended and sent down.

June 13. Bill establishing bounds amended and sent down.

Bills sent down yesterday returned passed.

Bills to prevent impounding cattle and for registering deeds were read.

Bill for registering deeds amended and sent down. It was returned amended. [*C.O. 5, 789. pp. 26-29.*]

June 12. **532.** Sir Thomas Laurence to the Council of Trade and Plantations. In answer to your letter of June 11, I am ready to take upon me the place of Secretary of Maryland, and to repair thither and to reside there in the execution of it; and I am willing to accept of a place in the Council, as I enjoyed it before, which I humbly conceive to be suteable to the usual constitution and to the honor of H.M. service. But if your Lordships think by the vacancy of that place by my absence, that I cannot be restored by this Honorable Board to the same station I held before, I humbly request you to leave that point to His Majesty's determination. *Signed, Thomas Laurence. Endorsed, Recd. Read June 12, 1701. 1 p. Addressed. [C.O. 5, 715. No. 43; and 5, 726. pp. 78, 79.]*

June 12. **533.** Order of King in Council. The appeal of John and
 Kensington. Nicholas Hallam (*see* May 27, etc.), is in the present case to be admitted, the petitioners first giving security to prosecute the said Appeal in order to be heard before this Board the first Council day in February next and to abide by H.M. determination in Council therein. Authentick copies of all proceedings in petitioner's case to be transmitted to this Board under the seal of the Colony of Connecticut, whereof the Governor and Company are to take notice. *Signed, John Povey. Endorsed, Recd. 9th, Read July 11, 1701. 1½ pp. [C.O. 5, 1261. No. 6; and 5, 1289. pp. 107, 108.]*

June 12. **534.** Council of Trade and Plantations to the King.
 Whitehall. Recommending Sir Thomas Laurence for place of Secretary and to be a Member of Council of Maryland in accordance with

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preceding correspondence. *Signed*, Ph. Meadows, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 726. *pp.* 79, 80.]

June 12.
Whitehall.

535. Order of King in Council, that Mr. Secretary Vernon do prepare a warrant for H.M. Royal Signature for passing a grant of the Office of Secretary of Maryland unto Sir Thomas Laurence, Bart., during H.M. pleasure and ye residence of ye said Sir Thomas Laurence within that Province. *Signed*, Edward Southwell, *Endorsed*, Recd. 21st, Read June 27, 1701. $\frac{3}{4}$ p. [*C.O.* 5, 715. No. 44; and 5, 726. *pp.* 85, 86.]

June 12.
Kensington.

536. Order of King in Council. Confirming Laws of the Massachusetts Bay as advised in the Representation of May 28 *supra*. *Signed*, John Povey. *Endorsed*, Recd. 21st, Read June 27, 1701. $1\frac{3}{4}$ *pp.* [*C.O.* 5, 862. No. 58; and 5, 909. *pp.* 435-438.]

June 12.
Kensington:

537. Order of King in Council. Allowing the Executor of Lord Bellomont the benefit of the Act of the Massachusetts Bay, May 29, 1700, granting him 1,000*l.* *Signed*, John Povey. *Endorsed*, Recd. 21st, Read June 27, 1701. $\frac{3}{4}$ p. [*C.O.* 5, 862. No. 59; and 5, 909. *pp.* 438, 439.]

June 12.
Boston.

538. Minutes of Council of the Massachusetts Bay. The following, nominated by H.E., were appointed:

Major Samuel Eells, J.P., in the County of Suffolk.
Capt. Ephraim Savage, Coroner, in the County of Suffolk.
Capt. John Burrill, J.P., in the County of Essex.
Capt. Ichabod Plaisted, J.P., in the County of York.
Benjamin Smith and Joseph Norton, J.P., in Duke's County.
Ebenezer Allin, Sherrif in Duke's County.
Samuel Little
Phillip King
Thomas Tabor } Coroners in the County of Bristol.

[*C.O.* 5, 788. p. 61.]

June 12.

539. Minutes of Council in Assembly of the Massachusetts Bay. Petition of Arthur Mason of Boston, praying for satisfaction for his service and horse that died in a journey to New York in the country's service in 1673, sent up with the resolve of the Representatives that he be paid 5*l.*, was concurred with.

Bill for regulating of trials in civil causes, sent up, was read and passed, and received H.E.'s consent.

June 13.

Bill for granting H.M. an Excise upon wines, liquors and strong drink, sent up, was read a first and second time and committed.

A Joint Committee of the two Houses was appointed for drawing up an Address to H.M. referring to ye matters contained in the letters from H.M. laid before the Court, and such other matters as may be by them thought meet.

An Order of the House of Representatives was sent up, read and concurred with:—that the line between Sudbury and the

1701.

Farms annexed to Framingham as set forth in the platt exhibited under the hand of John Gore, Surveyor, March 8, 1700, be the boundary line between the farms and Sudbury, viz., from the northerly end of Cochitawit Pond to the bent of the River by Daniel Stones, and so as the River goes to Framingham and Sudbury line.

A Report of the Committee appointed by ye General Assembly, 1698, to inquire into the grants of the Court and Indian purchases relating to the bounds of Dartmouth, with the lines between them, Little Compton and Tiverton, *etc.*, having been laid before the Representatives, was sent up from that House. *Report given at length.* "We find that Little Compton is bounded on Dartmouth eastward, and Tiverton on Dartmouth." Order concurred with and consented to by H.E. [*C.O.* 5, 788. *pp.* 275-278.]

June 12.
Whitehall.

540. Journal of Council of Trade and Plantations. A letter from Sir Thomas Lawrence, in answer to that writ to him June 11, received and read.

Representation, upon the two references made yesterday, relating to the place of Secretary of Maryland, was signed and sent to the Council Board.

Letter from Governor Blakiston, April 5, received and read.

Draught of a letter to the Governor and Council of Maryland, relating to the Bill for the Establishment of Religious Worship in that Province, was agreed upon and ordered to be transcribed.

June 13.

Letter from Mr. Secretary Hedges was received and read, signifying H.M. pleasure that a Commission and Instructions be prepared for the Lord Viscount Cornbury to be Governor of New York, and directions were thereupon given for preparing the same accordingly.

Letter to the Governor and Council of Maryland, wherein to transmit the Bill for the Establishment of Religious Worship in that Province, was signed and sent to Dr. Bray, to be sent forwards by him with what speed he can.

Petition from Capt. Wingfield read.

Letter from Mr. Secretary Vernon, June 9, signifying H.M. desire to be informed whether this Board have had any particular account from Colonel Codrington of the stores wanted for the Leeward Islands, or whether his Agent is able to give an account thereof, was read. Directions given for writing to Mr. Cary, that he may inform himself of Major Broughton, or otherwise, and together with him attend this Board on Tuesday next, or so soon as conveniently they can, with such informations as they may be able to give.

Letter from Mr. Secretary Vernon, June 9, referring the petition of Lieut. Harris, read, and Lieut. Harris at the same time desiring that he may have the command of an Independent Company there, their Lordships directed him to bring such certificates, as he thought fit, of his past services *etc.* [*Board of Trade. Journal,* 14. *pp.* 56-59; *and* 98. *Nos.* 102, 103.]

1701.

June 13.
Whitehall.

541. William Popple to Richard Cary. The Memorial you offered to the Council of Trade and Plantations relating to stores of War for the Leeward Islands, having been laid before the King, H.M. has desired to know what are the particular stores that Governor Codrington desires. But their Lordships not having received any account from him, desire you to inform yourself the best you can of what may be needfull, either by Major Broughton, or otherwise, and together with Major Broughton to attend them with such information as you may be able to give, on Tuesday morning next, or so soon as you can conveniently, in order whereunto you may please to acquaint the Major with what I now write by their Lordships' order. [C.O. 153, 7. p. 186.]

June 13.

542. George Wingfield to the Council of Trade and Plantations. Whereas this Honourable Board have thought fit to acquaint Petitioner that no sallery can be allowed by H.M. to the Lieut.-Governor of Montserrat or St. Christopher's Islands, Petitioner to show his zeal for H.M. service, is notwithstanding willing to accept of the said employment, not doubting but H.M. and your Honours will some way or other give him such encouragement as may at any time fall in your Honours' disposal. *Signed*, G. Wingfield. *Endorsed*, Recd. Read June 13, 1701. 1 p. [C.O. 152, 4. No. 34.]

June 13.
Whitehall.

543. Mr. Secretary Hedges to the Council of Trade and Plantations. The King having been pleased to appoint the Lord Viscount Cornbury to be Governor of New York, commands me to signify the same to your Lordships, and that it is his pleasure you forthwith prepare a Commission and Instructions for his Lordship, inserting in the Commission a clause for revoking and determining the Commission of the present Lieut.-Governor, or doing the same in such other manner as you think most proper. *Signed*, C. Hedges. *Endorsed*, Recd. Read June 13, 1701. 1 p. [C.O. 5, 1046. No. 21; and 5, 1118. p. 292.]

June 13.
Whitehall.

544. William Popple to Dr. Bray. I herewith send you two letters from the Council of Trade and Plantations to the Governor and Council of Maryland, both of the same tenour and each containing a copy of the Bill for the Establishment of Religious Worship *etc.*, which they recommend to your care to be sent forwards by two different conveyances with what speed you can. *Annexed*,

June 13.
Whitehall.

544. i. Council of Trade and Plantations to the Governor and Council of Maryland. Several Acts transmitted from Maryland relating to religion having from time to time been repealed, the last of April 26, 1700, being also found liable to many material exceptions, so that it is not fit to receive H.M. approbation; we have nevertheless been desirous on our parts to promote the ends of the said Act, and in order thereunto having been favoured with the

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assistance of his Grace the Lord Archbishop of Canterbury, the Lord Bishop of London and others, we accordingly humbly offered to H.M. our opinion thereupon, and by H.M. directions having prepared the draught of a Bill for the establishment of *Religious Worship in the Province of Maryland, etc.*, with such alterations as have been thought proper, and are agreeable to the toleration allowed here, together with a clause for repealing the said Act now in force: and H.M. being willing that the same be offered to the General Assembly for the passing it into an Act in the usual manner, we send you a copy thereof here enclosed, that you may offer it to them accordingly at their first sitting. And in the meanwhile you are to take notice that though the foresaid Act do at present remain in force, yet it is H.M. pleasure that it be not too rigorously put in execution. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, Abr. Hill, Mat. Prior. *Note in margin.* Aug. 5, 1701. Dr. Bray not having yet sent forwards this letter, one copy of it was sent for back, and this day sent to Mr. Perry, who has forwarded it by Capt. Lurting. [C.O. 5, 726. pp. 83-85.]

- June 13. 545. Journal of Assembly of Bermuda. Ordered that a boat and hands be provided to attend the Committee for inspecting the castles and forts.
 * The Assembly addressed H.E., informing him of their vote for barracks and appointment of Committees to view the castle and forts. [C.O. 40, 2. pp. 251, 252.]

- June 14. 546. Minutes of Council and Assembly of New Hampshire. Bill against Adultery and Polagamy sent up.
 Vote sent up from the Representatives that all the Laws of this Province be forthwith put into print at charge of the public.
 The following Bills were read a third time, passed and received the Governor's consent—Acts against Adultery, for punishing criminals, for recording deeds, dealing with intestates' estates, against trespassing on Town commons, for aiding and assisting sheriffs, constables, etc., in the execution of their office, to prevent impounding cattle wrongfully, for regulating Tanners etc. [C.O. 5, 789. p. 30.]

- [? June 16.] 547. Memorial offered on behalf of Alexander Skene to the Council of Trade and Plantations. Mr. Eyles in his answer doth neither deny any of the facts complained of, nor doth he assert that the Governor's Secretary (as he is ordinary of the Island) hath any right to the several fees complained to be withheld from the petitioner. There is therefore no reason why your Lordships should delay making a report until the Governor has seen and answered the Petition. *Endorsed*, Recd. June 16, Read June 27, 1701. 1 closely written p. [C.O. 28, 6. No. 6; and 29, 7. pp. 332-334.]

- 1701.
- June 16. **548.** Minutes of Council of the Massachusetts Bay. Salary of John White, Chaplain to ye Garrison at Casco Bay and for instructing the Indians, paid. [*C.O.* 5, 788. *p.* 62.]
- June 16. **549.** Minutes of Council in Assembly of the Massachusetts Bay. Bill for continuing several Acts, sent up, was read and passed and received H.E.'s consent.
Excise Bill, read with amendments and passed, was sent down.
Bill to encourage the sowing and well manufacturing of hemp within this Province, sent up, was read a first and second time and committed.
- June 17. Bill for review in civil causes was read, passed and sent down.
The Excise Bill being passed by the Representatives with some of the amendments proposed by the Board, a concurrence was past with the resolve of that House that the Bill be engrossed.
Petition of Dartmouth to be freed from paying towards the charge of building a bridge over the great river in Taunton was sent up with the Order of the Representatives that it be heard on the second Wednesday of next Session, and that the Selectmen of Tiverton, Taunton, Freetown, and Little Compton be notified by the petitioners. This order was concurred with.
Bill to encourage hemp was read and a concurrence passed with the Representatives that it be ingrossed.
A petition of Seth Perry and Sampson Moore relating to a house and land in Boston that was the estate of one Sheffield, was sent up by the Representatives, with their resolve that the petitioners and Joseph Holmes, who pretends a right to said estate, be notified to attend, which resolve was concurred with.
Order of the Representatives concurred with, that the Treasurer give credit for two indented Bills of the Massachusetts Colony, of 5s. and 2s., belonging to Benjamin Fitch, and for one indented Bill of 10s., belonging to Henry Hill, Constables of Boston.
Bill relating to Attorneys read and committed.
- June 18. Excise Bill and Bill for review in Civil Causes, sent up, were read and passed and received H.E.'s consent.
Petition of the purchasers and inhabitants of the lands called Shawomet, co. Bristol, at present under the Constablerick of Swanzey, praying that they may be joined to Freetown, sent up, with the Order of the Representatives that the petition be referred unto the first Friday of next Session and that the Selectmen of Swanzey be notified, was read and the order concurred with.
Seth Perry and Sampson Moore attending with Joseph Holmes, were severally heard upon their petition.
Bills providing in case of sickness; directing assessments in precincts; and for granting unto H.M. several rates and duties of impost and tunnage of shipping, sent up, were read a first and second time and committed. [*C.O.* 5, 788. *pp.* 278-281.]
- June 16. **550.** Journal of Assembly of Bermuda. Committee appointed to inspect the forts in Southampton Tribe and Sandys Tribe presented their report of what was required.

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June 17. Reports of the other Committees on the needs of the Forts presented.

Bill to prevent the oppression and extortion of officers, with a clause to prevent imprisonment on pretended crimes and misdemeanours, ordered to be prepared, by requiring the informer first to enter into recognizance in twenty pounds to appear and prosecute the said person at the next legal Court etc.

June 18.

The above Bill was read, passed and sent up.

Act for laying an imposition of twelve pence per head on all the negroes and other slaves for raising money for reparation of the Forts etc., read and ordered to be sent up.

Ordered that every other person, above the age of 21, that have no slaves shall pay according to the value of their estates, after the rate of 3s. per every hundred pounds, as they shall be assessed by assessors to be chosen in each parish, by plurality of the voices of the parishioners at a parish meeting to be called for that end.

Voted that 500 stones sawed shall be provided and sent to the Castle and Forts by every parish.

Act repealing the prohibition of the transportation of platt not wrought up read, and ordered to be sent up.

Ordered that Capt. John Tucker be recommended to the Governor as Treasurer of the Poll Tax, and that he give security. [*C.O.* 40, 2. *pp.* 252-256.]

June 17.

551. Minutes of Council of New York. Ordered that the Justices of Peace in the several counties send to the Governor or Clerk of the Council the number of males in each city and township in each county above the age of 16 and under 60 with all convenient speed, that the Governor may be enabled to represent to H.M. the state and condition of the Province.

Memorial of David Jamison read. Ordered that a warrant issue for payment of his salary as Clerk of the Council and Deputy Secretary in 1698. He produced a deputation from Augustine Graham, Surveyor General, to be his deputy during his absence, leave having been given him by the Governor to go to England to negotiate his private affairs. Jamison was sworn accordingly.

Payment ordered to Col. Abra. Depeyster (18*l.* 16*s.* 9*d.*) for the wine provided by him on Coronation day and to the soldiers on ye news of the 20 per cent. being taken off.

Payment ordered to Elias Pelletreaux for candles furnished by him to the Fort.

Payment ordered of 238*l.* 13*s.* 10½*d.* to Robert Walters and John Depeyster for firewood provided by them for Fort William Henry, Feb. 18-May 18 last.

Collector ordered to pay Richard Stockes for his expenses to Mamoroneck, East Chester and West Chester in January carrying letters and Acts of Assembly.

William Richardson paid 3*l.* for cleaning ye powder in ye Fort. [*C.O.* 5, 1184. *pp.* 554-557.]

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June 18.
Whitehall.

552. Mr. Secretary Vernon to the Council of Trade and Plantations. H.M. commands me to send you the enclosed Memorial of the Lords Commissioners of the Admiralty, to consider and report upon. *Signed*, Ja. Vernon. *Endorsed*, Recd. 19th. Read June 26, 1701. 1 p. *Enclosed*,

June 14.
Admiralty
Office.

552. i. Lords Commissioners of the Admiralty to the King. It having been represented unto us that great inconveniencies do attend merchants' ships and vessels in the Plantations, their wearing the colours borne by H.M. owne ships directly contrary to H.M. Proclamation, under pretence of commissions granted to them by the Governors, and that by trading under those colours, not only among H.M. subjects but those of other Princes and States, and committing divers irregularities, they do very much dishonour H.M. service, we humbly propose unto H.M. that he will direct the said Governors to restrain all such merchant ships from wearing the colours borne by H.M. ships of war, and enjoyn them to conforme themselves to the aforesaid Proclamation. *Signed*, Pembroke, Geo. Churchill, D. Mitchell. *Counter-signed*, J. Burchett. 1 p.

552. ii. Printed copy of Proclamation referred to above. July 12, 1694. 1 large p. [*Board of Trade*. Plantations General, 5. Nos. 98, 98.i.-ii.; and 36. pp. 1-3.]

June 18.
Whitehall.

553. Mr. Secretary Vernon to the Council of Trade and Plantations. The King has been pleased to appoint Col. Joseph Dudley to be Governor of the Provinces of the Massachusetts Bay and New Hampshire. You are to cause draughts to be prepared of his Commission and Instructions accordingly. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read June 20, 1701. 1 p. [*C.O.* 5, 862. No. 60; and 5, 909. p. 424.]

June 18.
Whitehall.

554. Journal of Council of Trade and Plantations. An answer from Mr. Attorney and Mr. Solicitor General to what was writ them April 30 last, relating to Capt. Norton's transgressing the Acts of Trade etc. was read, and thereupon ordered that a copy be sent to Col. Codrington.

The Lord Cornbury desiring the Board that, being now appointed Governor of New York, he may have an insight given him into the matters that relate to that Government, and in particular that he may have the perusal of the letters of this Board to and from the Earl of Bellomont; ordered that the same be communicated to him, whensoever his Lordship pleases to call.

Mr. Champante acquainting the Board that the Council of New York, since the Earl of Bellomont's death, have drawn upon him some Bills for the subsistence of the Four Companies there, he was directed to lay before the Board a state of the account of those Companies, and to inform the Lord Cornbury of all matters relating thereunto.

Their Lordships taking into consideration the petitions of Lieuts. Wingfield and Harris for the Government of Montserrat or

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St. Christophers, directions were given for preparing a Representation thereupon to be laid before H.M.

June 19. This Representation was now signed and sent to the Council Board.

June 20. Letter from Mr. Secretary Vernon, June 18, signifying that H.M. has been pleased to appoint Col. Joseph Dudley to be Governor of the Massachusetts Bay and New Hampshire, and directing this Board to prepare draughts of his Commission and Instructions, read; and directions were thereupon given for preparing the said draughts accordingly.

Col. Dudley desiring that he may have the perusal of any papers in this Office that may be necessary for his information in relation to those Governments, ordered that any such papers be communicated to him.

Draught of a letter to Col. Codrington agreed upon.

Petition in the name of Mr. Wm. Mead read.

The Lord Cornbury and Mr. Champante both attending in relation to the affairs of the Four Companies at New York, Mr. Champante acquainted the Board, that those Companies have been subsisted at New York till March 8 last, and that he has further sent thither for the like service to the value of 1,100*l.* in goods; whereupon he was directed to lay before the Board on Tuesday next a state of the account of those Companies, and likewise to inform himself and acquaint their Lordships what letter of Attorney the Commissioners of Accounts will expect to be produced to them, in order to their settling the accounts of the said Companies, that their Lordships may thereupon take such further care as may be fit for them, towards the settling of a due method for receiving and remitting their subsistence or pay, from time to time.

Draught of a Commission for the Lord Cornbury to be Governor of New York agreed upon. [*Board of Trade. Journal, 14. pp. 60-65; and 98. Nos. 104-106.*]

June 18. **555.** Minutes of Council and Assembly of New Hampshire. Petition of sundry Ordinary Keepers of Portsmouth read and sent down to the House of Representatives.

Bill for keeping H.M. Highways and Bridges in repair, sent up, was read.

June 19. Vote of the House of Representatives, praying a sight of the papers, put into the Governor and Council formerly, relating to the bounds of the several towns, read. Papers sent down accordingly.

Present state of H.M. Fort at Great Island recommended to the consideration of the Representatives.

Petition of Nathaniel Ayres Smith, relating to a new trial of the case between him and Abraham Clements, read and sent down.

Petition of James Phillipps, soldier at the Fort, read.

Petition of Samuel Comfort, oarmaker, relating to a new trial of his case v. Nathaniel Weare, plaintiff, read and sent down.

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Committee appointed to consider the papers put in by the several towns concerning their bounds.

Bill for taking affidavits out of Court sent up. [C.O. 5, 789. pp. 31-34.]

June 19.
Whitehall.

556. Council of Trade and Plantations to the King. Report upon the petitions of Lieut. Wingfield and Lieut. Harris for the Government of St. Christophers. *Summarises petitions.* We humbly offer that one half of the Island being inhabited by the French, who do always maintain a good force of regulated troops upon it, and your Majesty's part thereof having been twice taken by them at the first breaking out of the former wars, and lying most exposed, the security thereof is of so great importance as to require a person of good experience in military affairs for Lieut.-Governor, who may likewise have the command of the company referred to by Lieut. Harris, there being no salary appointed for a Lieut.-Governor. *Signed*, Ph. Meadows, Wm. Blathwayt, Abr. Hill, Mat. Prior. [C.O. 153, 7. pp. 188-190.]

June 19.
Kensington.

557. Order of King in Council. Upon reading the report of the Lords Commissioners for Trade and Plantations upon several petitions for the Government of St. Christopher's *etc.*, ordered that they write to Governor Codrington letting him know what applications have been made, and to desire him to return a speedy account of the state of that Island and what person he shall think fit to recommend for the Government thereof, and that in the meantime H.M. is pleased to leave it to him to take such methods for the governing and securing the said Island as he shall judge most proper. *Signed*, John Povey. *Endorsed*, Reed. 21, Read June 24, 1701. $\frac{3}{4}$ p. [C.O. 152, 4. No. 35; and 153, 7. p. 191.]

June 19.

558. Minutes of Council in Assembly of Bermuda. The Assembly sent up three Acts (1) for the speedy reparation of the Castle, Forts and Platforms belonging to these Islands, and for building barracks and chimnies to each Fort where needfull, (2) for repealing one clause *etc.* of the Act to prevent destruction and transportation of Palmeto topps and brooms, (3) to prevent the oppression and extortion of officers. [C.O. 40, 2. p. 38.]

June 19.

559. Journal of Assembly of Bermuda. [See preceding abstract.] Report of Committee of Grievances upon Edward Jones, Provost Marshall. He has given no security and often exacted double the legal fees. He has evilly treated many of his prisoners, and imprisoned Col. White and Mr. Thomas Smith without a warrant. He laid or caused to be laid a considerable parcel of gunpowder on the prison floor where several persons were confined, which might have caused much injury. He made a false oath, Dec., 1700, with regard to Mr. Thomas Smith and Col. White, and violently broke into the houses of Messrs. Smith and Dickinson, contrary to law, and made Dickinson a prisoner in his own house, without a warrant. He has threatened and

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looted several persons in the most violent and extortionate manner, and has served several executions upon Col. White granted by Gilbert Nelson, the late Chief Justice, although he had not the jurisdiction of the matters. He has taken no care for the supply of ammunition at the Castle, whereof he was Commander. He has taken office as Councillor and consequently one of the Judges of Chancery, which is inconsistent with the office of Provost Marshall, and has several times served execution to the great damage of H.M. subjects out of that Court of Chancery when himself was one of the Judges. All which has been proved against him upon oath. It is therefore proposed that your Excellency suspend him from all his said offices and that he be left open to the law, and that your Excellency would be pleased to appoint persons better qualified for the aforesaid offices. This report ordered to be presented to H.E. in Council.

June 20.

Acts for laying an imposition on liquors and sugars, and upon all horses, mares and colts of 5s. per head per year for three years, ordered to be drawn. [*C.O.* 40, 2. *pp.* 256-261.]

June 20.

[June 10,
q.v.]

560 Minutes of Council in Assembly of Bermuda. The Assembly appeared and H.E. delivered his speech to them. [*C.O.* 40, 2. *p.* 37.]

June 19.

Boston.

561. Minutes of Council of the Massachusetts Bay. Appeal of John Greenleafe, as to the distribution of the estate of Samuel Veazie, of Boston, mariner, referred for consideration.

June 20.

Licence granted to Simeon Stoddard to erect a salt-house of timber adjoining to the sea-board of his warehouse nigh unto Mr. Oliver's dock.

Licence granted to Jonathan Loring to erect a timber building adjoining his house in Atkinson's Lane.

Licence granted to James Allen to erect a barn of timber in his pasture on the back-side of Sentry Hill in Boston.

Licence granted to erect a building of timber for the accommodation of the Master of the Latin Free School in Boston, where Mr. Cheever, the present Schoolmaster, now dwells.

Licence granted to Robert Lash to erect a building of timber on his land lying between that of Samuel Ruck and John Goodwin.

Licence granted to David Robertson to erect a timber kitchen adjoining his house at the North end of Boston. [*C.O.* 5, 788. *pp.* 62-64.]

June 19.

562. Minutes of Council in Assembly of the Massachusetts Bay.

Bill to encourage hemp, sent up, was passed and received H.E.'s consent.

Resolve of the Representatives concurred with, granting 10*l.* to Oliver Purchis, an ancient publick servant fal'n to decay.

June 20.

Bill for rates and duties of impost and tunnage read with amendments and passed.

Bill relating to Attorneys, sent up, was read and passed and received H.E.'s consent.

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Resolve of the Representatives concurred with, allowing 15*l*. to Warham Mather, as Chaplain at Northfield in the time of Sir E. Andros.

1,500*l*. allowed, over and above what is already granted for and towards the fortifying Castle Island, and 100*l*. towards repairing the Fort at Salem, provided that the Town aforesaid spend 100*l*. more for the same use, and take care for the future to keep it in repair.

The following resolve of the Representatives was read and concurred with:—In answer to the petition of several of the inhabitants of Springfield craving the grant of a Plantation or Township 12 or 14 miles eastward of Springfield, adjoining to Springfield bounds on the west, in a tract of land there from Chickapy River on the north to run along by Springfield line on the west of this tract south eight miles to Enfield line, taking in from Chickapy River the said tract of land there of eight miles square, Resolved that there be granted unto the Petitioners and such others as the Committee of this Court's appointment shall associate to them, the aforesaid tract of land for a township, provided they settle thereon and distribute it to 60 families, and that within two years from May next there be twenty families dwelling on the place, and provision by grants made for entertaining more, to the number of 70 families, if the land will conveniently accommodate so many. And for the admitting of inhabitants, granting allotments, distributing or proportioning of land there, and ordering all the prudential affairs of the place, this Court do appoint a Committee, etc. *Rules for their guidance in forming the place for a town.* [C.O. 5, 788. pp. 281–284.]

[? June 20.] **563.** Ed. Randolph to the Council of Trade and Plantations. An account of his services and sufferings as Surveyor General of the Customes, with a petition that they may be represented to the King for reward. *Signed*, Ed. Randolph. S.G. *Inscribed*, Recd. June 20, 1701. 1 p. *Enclosed*,

563. i. Copy of deposition of Samuel Spofferth as to Edward Randolph's sufferings in Bermuda, Jan. 31, 1699 (1700). 3 pp. *The whole endorsed*, Recd. 20th. Read June 26, 1701. [*Board of Trade*. Plantations General, 5. Nos. 99, 99.i.]

[? June 20.] **564.** Jeremiah Bass to the Council of Trade and Plantations. Humble memorial on behalf of H.M. Province of New Jersie. The hopes of having the disorders of the Jersies happily concluded by the Parliament's reassuming of the Proprietary Governments into the hands of H.M. being for this session vacated, occasions me afresh to solicit your Lordships on the behalf of that unhappy Province, intreating you to review the humble Address or Remonstrance of the said Province referred by H.M. to your Lordships. Not so much as the shadow of Law or Government remains there, the Proprietors having vacated the Commission granted to Andrew Hammliton, and given another, which cannot without H.M. approbation have any force to the determining

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of the differences of that Province, but rather tending to the increasing of the same. I am humbly of the opinion, if these Provinces of the Jerseys with the Lower Counties of Pensilvania were by a spetiall Commission from H.M., considering the present exigence of affaires, putt under the conduct of some person knowing in the affaires of the country, itt might intirely conduce not onely to the preasant quieting of those places, but the preventing of those illegal practisses whereby H.M. Revenue is diminished, illegal trade increased and H.M. subjects in those parts oppressed. *Signed, J. Bass. Endorsed, Recd. 20th, Read June 27, 1701. 1 p. [C.O. 5, 1261. No. 7; and 5, 1289. pp. 102-104.]*

June 20. **565.** Minutes of Council and Assembly of New Hampshire. Bill for taking affidavits out of Court was amended, sent down, and returned passed.

June 21. An addition to the Act relating to the powder duty payable by vessels over 12 tuns was sent up and read.

Bill for repairing highways etc. was sent up again by the Representatives.

Vote of the Representatives for presenting the Lieut.-Governor Wm. Partridge with 100*l.*, and for making a payment to Sir Henry Ashurst sent up.

Vote of the Representatives, that Mr. Charles Story be paid 12*l.* for his extraordinary service done for this Province, sent up.

Petition of Nathaniel Ayres Smith granted.

Petition of sundry ordinary Keepers rejected.

Petition of Saml. Comfort, oarmaker, referred.

Acts for taking affidavits out of Court, for regulating of seamen, and for repairing H.M. highways passed and received H.E.'s consent. [*C.O. 5, 789. pp. 37-40.*]

June 20. **566.** Minutes of Council of Virginia. Two addresses from several Commanders and Masters, June 10 and 14 (*quoted*), praying to be dispatched, read. H.E. informed the Council that as soon as he had recd. the aforesaid addresses, he came down and gave ym. copies of what had been done in the like case in Maryland, 1695, when he was Governor there, yt. if they thought good, they also might petition for ye like favour.

On board
H.M.S.
Shoreham
riding at
anchor at the
mouth of
James River,

Letter from Capt. Passenger, June 14, read, representing the opinion of himself and officers that he could not, without a breach of orders, leave the Colony till relieved by the Admiralty. H.E. and Council were very well satisfied of the zeal of Capt. Passenger. Capt. Nevil and Capt. Passenger were sent for, H.E. asked Capt. Nevil whether he could not convoy the fleet 20 leagues without the Capes of Virginia, to which he answered he would willingly do it, and thought it might be requisite for H.E. to give him orders therein. Orders drawn accordingly and signed by H.E.

H.E. and the Council ordered the several masters of ships now riding at anchor at the mouth of James River to be sent for, who attending, Secretary Burchett's letter, Jan. 24, 1701, was read to them, and H.E. told them that if they had anything

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farther to offer, he and the Council were ready to hear it. Whereupon two petitions were presented, praying that Capt. Edward Whitakar, Commander of the *Indian King*, may be commissioned Commodore and Commander in Chief, and Capt. Dean Cocke, and Nicholas Humfry his seconds. Commissions were prepared accordingly, and were amended by Capt. Nevil and Capt. Passenger. Capt. Passenger was ordered to prevent any ship sailing till 10 days after the fleet.

H.E. proposed to the House whether it might be proper to send all the Journals of the Council and Assembly by this fleet. The Council was of opinion they ought not to be sent, because the whole state and condition of the whole country in general may be thereby discovered, and they cannot finde nor think of any in whose fidelity they may repose to carry a short abstract of it. Ordered that they be left behind till safer opportunity.

Upon petition of Capt. Passenger to be excused the duty of about 200 hhd. tobacco on board the *La Paix* shortly bound for England, H.E. and Council are of opinion yt. in respect she was taken, condemned and registered here, and in regard of Passenger's good and faithful service, he may be accounted a Virginia owner and have like priviledge.

Copie of the writing whereby the masters of ships bound for England have obliged themselves to sail under the convoy of Capt. Whitakar. *Entered at length.*

Capt. Whitakar, Capt. Cocke, Capt. Humfry, gave receipt for their commissions and undertook the duties of convoy.

June 21. Upon Sat. June 21, towards the evening, the Commissions and papers being prepared, H.E. went on board the *Indian King*, and a signal was given to call all the Masters and Commanders to come on board, but being very dark and rainy weather, which hindered there coming, H.E. returned on shore.

June 22. H.E. again went on board and delivered their Commissions to Capt. Whitakar, Cocke and Umfry, with their orders and instructions. *Entered at length.* The Masters and Commanders made an address to H.E. for the indefatigable pains he had taken for their safety.

List of merchantmen, and their sailing instructions under convoy of Capt. Nevil, H.M.S. *Lincoln*. *Entered at length.* [C.O. 5, 1409. pp. 121-139, 130 (A), 131 (A).]

June 21.
Albanie.

567. Robert Livingston to the Council of Trade and Plantations. This goes to cover the inclosed duplicate of my observations upon the late Lord Bellomont's propositions for ye security and defence of N. Yorke, May 13, with the two schemes for ye security of this Province, one in time of peace, the other in time of warr, the original being sent by Capt. Dixon, who went from N. York about a month agoe, since the sending of which I was fully determined to have gone to England myself by a briggateen that putt in here from Jamaica, to waite upon your Lordships, but our Lieut.-Governor, who arrived from Barbados, disswaded me, because he had sent to speake to ye Five Nations at Albany ye first week of next month, and required my attendance on yt.

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service, which I conceived my duty to obey. The reasons which induc'd me to so sudden a resolution was these three: (1) To vindicate myself of that aspersion of ye late Lord^B Bellomont's, mentioned in his letter to your Lordships of ye 8 of July, 1699, of which I perceive you take particular notice in ye letter to him of ye 30th of Oct., 1700. Duncan Campbell was accidentally at New York, when I had ye knowledge thereof, who hath taken his oath that I never did confederate, propose or agree or in any manner contrive with him, directly or indirectly, to imbezzle any of Kidd's effects, so that this was a meer jealousy of his late Lordship at that time, without any ground, of which he was satisfied four days after when I took my oath before his Lordship and the Council of Boston, which his Lordship's multiplicity of businesse caus'd him ommitt to inform your Lordships of, as his letter to me since, ye original whereof sent over to my Correspondent, to be laid before you, with Campbell's deposition, will make appear. (2) I have so farr exhausted my estate in ye King's service that I am not only become disabled to carry on my trade of Merchandize, but must be totally ruin'd, without your Lordships' redress, as ye inclosed abstract will demonstrate amounting to 3,412*l.* 7*s.* 1*¼d.*, being reduc'd to that low estate for want of my money due by ye Crown, that I am forc'd to take up money at 10 per cent. to pay those debts I contracted to subsist ye King's forces. Moreover ye Earl of Bellomont granted me warrants last fall for 5½ years' salary pursuant to ye King's Commission, which I assigned over to ye merchants for ye payment of debts that I had contracted for the victualling, and afterwards makes an Order of Council, Jan. 30, to stop ye payment thereof, whereby ye merchants all fall upon me, and are like to tear me to pieces. (3) The third reason was to satisfy you on anything relating to those schemes I presum'd to transmit, or anything else that might conduce to ye defence and security of this Province or about ye Indians. I shall not detain you any longer, having sent over my case stated to my correspondent to be laid before you. As to the offices I have formerly executed so many years in this Province, I am willing to continue ye execution of, or to lay down as your Lordships shall conceive most for H.M. service. *Signed*, Robt. Livingston. *Endorsed*, Recd. Read Sept. 1, 1701. 2¾ pp. *Enclosed*,

567. i. Account of money due to Rt. Livingston. (*See preceding abstract*.) Albany, June 21, 1701. *Signed*, Robert Livingstone. *Endorsed*, Recd. Sept. 1, 1701. 1 p. [*C.O.* 5, 1046. *Nos.* 22, 22*i.*; and (*without enclosure*) 5, 1118. pp. 404-406.]

June 23.
Whitehall.

568. Mr. Secretary Vernon to the Council of Trade and Plantations. His Majesty commands me to send your Lordships the enclosed copys of a letter and other papers from the Council of New Yorke [*to the same effect as the letter to the Board, March 10*] which His Majesty would have you consider, and lay before him what you thinke necessary to be represented concerning the state of that Province; and that you likewise acquaint him at

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the same time with what you have received from the Council of New England relating to their present condition and circumstances. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read June 24, 1701. $\frac{3}{4}$ p. [*C.O.* 5, 1046. *No.* 23; and 5, 1118. p. 295.]

June 23. **569.** Memorandum of letter from Mr. Secretary Vernon June 23, 1701, to the Council of Trade and Plantations, relating to the Forts of New York and New England. *Endorsed*, Recd. Read June 24, 1701. $\frac{1}{2}$ p. [*C.O.* 5, 862. *No.* 61.]

June 23. **570.** Minutes of Council of the Massachusetts Bay. John Boston. Gyles, Interpreter and one of the Garrison at H.M. Fort at Cascobay, paid at the rate of 15s. *per week*. [*C.O.* 5, 788. p. 65.]

June 23. **571.** Minutes of Council in Assembly of the Massachusetts Bay. Bill to vacate clandestine and illegal purchases of lands made from the Indians was read a first and second time and committed.

June 24. The Committee reported that the Bill providing in cases of sickness, as committed to them, be rejected, and a new Bill be drawn agreeable to their proposals. A new Bill being accordingly drawn up was read a first and second time and past to be ingrossed, and sent down.

The Committee made a similar report upon the Bill committed June 23. A new Bill was accordingly drawn, read a first and second time and committed.

Bill for granting several rates and duties, sent up, was read and passed and received H.E.'s consent.

22*l.* ordered to be paid to Capt. Samuel Legg on account of freight of soldiers' cloathing, *etc.*, in 1686.

June 25. Bill to prevent clandestine and illegal purchases of lands from the Indians was read with amendments, passed and sent down.

125*l.* ordered to be allowed to James Russell.

Joint Committee of both Houses appointed to consider the petition of Joseph Hammond and others of the County of York relating to the imposition of tunnage and other duties laid by the Government of New Hampshire upon vessels passing up Piscataqua River to that part of this Province, and to make report thereon.

James Taylor was anew elected to be Treasurer and Receiver General.

William Payne was anew elected to be Commissioner and Receiver of the duties of impost and tunnage of shipping granted this Session.

Ordered that 16*l.* be allowed for the rent of the room taken and improved by the Commissioner of Imposts for the two years past.

The resolve of the Representatives, passing the accounts of James Taylor, Treasurer, was concurred with, and received H.E.'s consent.

Bill providing in case of sickness, sent up, was read and passed, and received H.E.'s consent.

1701.

Report of Committee to draw up an Address to H.M. was read and sent down. [C.O. 5, 788. pp. 284-288.]

June 24.

572. (1) Abstract of the money issued for the New York Companies from April 1, 1692. *Endorsed*, Recd. from Mr. Champante. Read June 24, 1701. 1 p.

(2) State of the arrear due to the same, since March 26, 1699, 4,573l. 8s. *Signed*, J. Champanté. *Mem.*—The last remittances for the above not being arrived at the time of Lord Bellomont's death, the Council in the then exigency have drawn upon me for 300l., which I cannot answer without some authority to receive the growing pay due to the said Four Companies. *Same endorsement.* 1 p. [C.O. 5, 1046. Nos. 24, 25; and 5, 1118. pp. 293, 294.]

June 24.
Virginia, by
Cape Henry,
on board
H.M.S.
Shoreham.

573. Governor Nicholson to the Council of Trade and Plantations. I thank God that this Colony is in peace and quietness, yt. H.M. Revenue both of ye 2s. per hhd. etc., likewise of ye quit-rents, increase very well this year, and hitherto there is great appearance of a plentiful year of all kinds of ye country produce. And if any enemy should come to disturb us, I hope in God we shall be too hard for ym. I have communicated your Lordships' letters of Aug. 1 and 21, of Xber 3 and 4, 1700, and of Feb. 8, 1700 to the Council, and Orders and Directions have been given according to your commands therein. I have also received H.M. Royal Commission for ye trial of pyrats etc., and ye 19th inst. I had an opportunity of sending an attested copy thereof, as also of H.M. letters to me Feb. 10, 1700, and Feb. 2, 1701, to the Governors of South and North Carolina. What your Lordships write, Feb. 18, concerning stores, etc., hath been according to our duty maturely considered by the Council and myself, and we humbly beg to refer you to our proceedings in Council, May 9, 1699, with what was done thereupon by the House of Burgesses, June 2, 1699, being still of the same opinion. And we hope in God yt. shortly a safe opportunity will present of transmitting all the Journals etc., and yn. shall humbly offer the reasons for not sending ym. now, tho' they be all ready. The Committee for revising the Laws sit every moneth, and I hope in God yt. this summer they will complete ye whole body, so yt. they may be transmitted to your Lordships. The Assembly is prorogued to ye 6th of August. I hope in God there will be no occasion for their sitting till 7 ber or 8 ber. What directions you sent me, Aug. 20, and likewise what you ordered your Secretary to write to me, shall (God willing) according to my duty be punctually observed by me. *Signed*, Fr. Nicholson. *P.S.*—Edward Hill, one of H.M. Council, is dead, as likewise Ralph Wormley, Secretary. I have not found it absolutely necessary to appoint one to succeed him in ye Secretary's place; but hope H.M. will be graciously pleased to commissionate one to be Secretary, and yt. he may be obliged to live at H.M. Town of Williamsburgh, and yt. Orders may be sent how the perquisites of yt. office shall be disposed of from ye death of ye late

1701.

Secretary Wormley. On ye 9th inst. ye Revd. James Blair was admitted to H.M. Council. Your Lordships were pleased to write yt. Mr. Lewis Burwell was to be one of H.M. Council, but as yet H.M. royal commands have not been received by Fr. N. *Endorsed*, Recd. 6th, Read Aug. 13, 1701. *Holograph*. $2\frac{3}{4}$ pp. [C.O. 5, 1312. No. 13; and (duplicate) 5, 1339. No. 2; and 5, 1360. pp. 90-93.]

June 24.
Virginia, by
Cape Henry,
H.M.S.
Shoreham.

574. Governor Nicholson to William Popple. I have received your letter of Aug. 21, and you may be assured yt. I will observe their Lordships' order and directions, which you sent me. There is no getting of good paper, and having it ruled etc. in this country: therefore beg ye favour yt. you would be pleased to move their Lordships to order what sort of paper they would have me write on. What you write concerning Naval Officers' accompts, I sent cypys both to ym. and to ye Collectors, with orders yt. for ye future they might make their lists accordingly. But I fear they cannot get suitable paper; therefore I must also desire you to move their Lordships about what sort of paper their Lordships would have their lists transmitted to ym. on. I beg yt. they would be pleased to give directions to ye Stationer both about my own paper and yt. for ye lists, and I shall write to my merchant, Mr. Micajah Perry, to pay for the said paper etc. *Signed*, Fr. Nicholson. *P.S.*—In December last I desired ye Revd. Mr. James Blair to write to you, which hope you received, and yt. you made my excuse to their Lordships. I am now pretty well recovered, thank God. *Endorsed*, Recd. 6th, Read Aug. 13, 1701. *Holograph*. $\frac{3}{4}$ p. [C.O. 5, 1312. No. 14; and (duplicate) 5, 1339. No. 3; and 5, 1360. p. 94.]

June 24.

575. Journal of Council of Trade and Plantations. Order of Council, June 19, read, and Lieut. Wingfield desiring to be informed what was done in that matter, the same was communicated to him.

The Lord Cornbury and Mr. Champante attending in pursuance of the directions of this Board at their last meeting, Mr. Champante laid before the Board a state of the arrear due to the Four Companies in New York since March 26, 1699, as likewise an abstract of the money issued for the New York Companies, April 1, 1692-May 20, 1701, inclusively. And upon consideration of the first of those accounts, directions were given for preparing a letter from this Board to the Treasury, in order to the continuing of a method for receiving and remitting the subsistence or pay of the soldiers at New York from time to time. The Lord Cornbury further desired their Lordships would please to move H.M. that Col. Romer may be directed to stay at New York until his Lordship's arrival there, and so much longer as may be necessary, whereupon directions were given for representing that matter to H.M. accordingly.

Ordered that in preparing the draughts of Commissions for Lord Cornbury for the Government of New York, and Col. Dudley for the Government of New England, the command of the militia

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of Connecticut, which was given to the Earl of Bellomont in his Commission for the Massachusetts Bay, be now omitted in that Commission to be given to Col. Dudley, and put into the Lord Cornbury's Commission for New York.

Col. Dudley desiring that some method may be taken for disposing the Assembly of the Massachusetts Bay to settle the salary upon H.M. Governor of that Province, directions were given for preparing an article for that purpose, to be inserted in the Instructions to be given him.

Further directions were also given in relation to the Lord Cornbury's and Col. Dudley's Instructions, as likewise in relation to a Representation to be presented to H.M. concerning the Governments of New England and New York.

Order of Council, June 5, upon the petition of Mr. William Spencer for the Secretary's place of Virginia, was read. And Mr. Spencer himself being present, he was acquainted that the Board did expect letters from Governor Nicholson, with an account of the vacancy of that place, before they intended to report upon it.

Letter from Mr. Secretary Vernon, June 23, relating to the Governments of New York and New England, was now received and read. And the papers inclosed in it were laid before the Board.

June 25.

Several letters and papers lately received from the Plantations were laid before the Board :—Letter from the Council of Barbados, April 15, 1701, in answer to complaints of the delays of Justice, with enclosures ; Letter from Governor Grey, April 28, with enclosures ; Letter from the Council of New York, March 10, with enclosures ; Letter from Governor Codrington, May 5 ; Letter from Mr. Addington, April 23, with enclosures. Letters from Lieut.-Governor Stoughton, April 10 and 28, were read and directions given for preparing a Representation relating to the Government of the Massachusetts Bay.

The forementioned letter from the Council of New York was also read, and a letter from this Board to the Lords of the Treasury, as ordered yesterday, relating to the Forces there, was now signed and delivered to Mr. Champante.

The draught of a Commission for Col. Dudley, to be Governor of the Massachusetts Bay, was agreed upon and ordered to be transcribed.

The forementioned letter from Col. Codrington, May 5, was read, and directions thereupon given for some addition to the letter to him that was lately ordered to be prepared. [*Board of Trade. Journal, 14. pp. 65-76 ; and 98. Nos. 107, 108.*]

June 24.
St. Jago de
la Vega.

576. Minutes of Council in Assembly of Jamaica. Assemblymen returned took the oaths and Test.

St. Catherine's

{ Francis Rose.
Matthew Gregory.
Hugh Totterdell.
Marmaduke Freeman.
William Hutchinson.
John Lewis.

Port Royal

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| | |
|----------------------------|---|
| Kingston. | Thomas Clarke. John East. George Bennett. |
| St. David's. | Edward Turner. John Cossley. |
| St. Thomas. | Edward Stanton. John Blair. |
| St. Andrew's. | Thomas Clarke, Senr. Edmund Edlyne. |
| St. George's. | John Ellis, Junr. Robert Nedham. |
| St. Marye's. | John Ellis, Senr. Dr. Thomas Trapham. |
| St. Ann's. | George Ivy. William Axtell. |
| St. James'. | Whitgift Aylemer, Esq. Richard Bathurst. |
| St. John's. | Col. Whitgif Aylemer. John Freeman. |
| St. Dorothy's. | John Bonner. David Masters. |
| Clarendon. | Thomas Sutton. Charles Long. |
| Vere. | Andrew Langley. George Ivy. |
| St. Elizabeth's. | Odoardo Lewis. Thomas Raby. |
| St. Thomas in the Vale. | William Nedham. Archer Martin. |

They were summoned to attend H.E., who directed them to choose a Speaker. They chose Col. Langley, whom H.E. approved, and then addressed them :—"I should not have given the country nor yourselves the trouble of calling you together at this time, when we seem to be hourly threatened with a warr, but a considerable support to the safety and good of the Government, the additional duty on wines imported and negroes exported, being to determine the seaventeenth of the next month, without which the gentlemen of the Council well know, and you will find by experience, if you looke on the Receiver General's accounts, the ordinary Revenue raised by the Act for that purpose will not defray the common besides the contingent charges of the Island, and if the warr does break out, and wee be forced to draw our strength together, I need not tell you what occasion we shall have for money to subsist us in provisions etc. I do therefore earnestly recommend to you that you raise this Bill againe, and that you will use what dispatch in it you can, it being a thing that will not require much time or trouble to accomplish, because that I am desirous wee may apply ourselves to our defence, and therefore shall propose nothing more to you now. Though if you think anything necessary to be done about the Regiment of soldiers now arrived, or ready material for H.M. service, and the good of the Island, that may not take up too much time or debate,

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I shall not be unwilling to hear it. . . .” Which being ended, Col. Langley made a handsome speech, praying usuall privileges and access etc. [*C.O.* 140, 6. *pp.* 363–366.]

June 24. **577.** Minutes of Council in Assembly of Bermuda. Act for the speedy reparation of the Castle read a second time, amended, and passed. [*C.O.* 40, 2. *p.* 38.]

June 24. **578.** Journal of Assembly of Bermuda. Conference between the two Houses appointed. Act for the speedy reparation of the Castle, Forts and Platforms returned with amendment.

June 25. Ordered that an Act be drawn up for four daies of humiliation to be kept and celebrated in an anniversary course in these islands, for deprecating divine judgments.

Ordered to be annexed to the articles of complaint against Edward Jones, Provost Marshall:—(a) He hath publickly declared his refusal to serve any warrant or to be subject to any precept of the Justices of the Peace, by which refusal he hath rendered himself incapable of holding his office; (b) by pretence of a warrant of the late Governor, Day, he seized the goods of Benjamin Wainwright, insomuch as the very bed from under the poor man, his wife and children, and at the same time by pretence of the same warrant arrested him and carried him to gaol, and there hath most illegally detained him for 10 weeks without any legal process or trial.

June 26. Acts for preventing extortion and repairing the forts were sent up, and were returned passed by the Governor and Council. [*C.O.* 40, 2. *pp.* 262, 263.]

June 25. **579.** Council of Trade and Plantations to the Treasury. We have lately received a letter from the Council of New York, March 10, giving us an account that the Province did then lye under great difficulties for the subsistence of the forces there, for which there is no provision but what they are obliged to advance weekly by private credit; that upon the omission of one week's subsistence the said forces would all desert the garrisons and disperse; that the said Council tho' they had no publick fund did hope to subsist them for one month; that they desire us to recommend Mr. Champanté, the Earl of Bellomont's Attorney, for the pay of the Forces to your Lordships that he may be continued still in that imployment, and may have directions to remit thither by Bills of Exchange what subsistence or pay he shall receive for those forces from the time of the Earl of Bellomont's death; the consideration of all which obliges us to lay before your Lordships the inclosed account of the arrears due to the 4 companies now in New York. And whereas Mr. Champanté, by the death of the Earl of Bellomont, is no longer authorized to receive the said arrears, we offer whether your Lordships would not please to direct that he may give security in the Exchequer for the due accounting for and paying what your Lordships shall think fit to order him to receive of the pay and support of the said Companys, which by the foresaid letter seems to be necessary

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to be speedily taken care of. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Abr. Hill, Mat. Prior. [C.O. 5, 1118. pp. 301, 302; and 5, 1079. No. 73.]

June 25.
Bartados.

580. Governor Grey to the Council of Trade and Plantations. I enclose the names of six persons whom I think well qualified to serve H.M. in Council here:—Thomas Drax, a gent. that has two very considerable estates here, one with three and the other with two mills. Tho. Hothersall, a gent., whose father had the honour to serve in Council, and who inherits his very considerable estate. Wm. Heysham, one of the most considerable merchants in these parts, and lays out near 20,000*l.* every year in the produce of the Island. Tho. Maycock, a gent. whose grandfather settled the estate whereon he now lives, and has two very good windmills. Jonathan Downes, a gent. of a very considerable estate, very well built and handed, with one new mill. Wm. Adams, a gent. of a very good character. Has lately purchas'd a very considerable estate. If your Lordships command the names and characters of any more to serve H.M. in that station, I shall obey. The 12th inst. I visited the Windward Fortifications, the 13th I reviewed the Windward Regiments, the 16th I visited the Leeward Forts, the 17th reviewed the Leeward Regiments; the Royal Regiment of Foot Guards, commanded by Col. Wheeler I have not now reviewed by reason several officers were gone off. I shall take care for the speedy doing it, after which shall give your Lordships an account of the wants of the several forts, and have directed the Surveyor General to prepare a list accordingly. *Annexed*,

580. i. Abstract of preceding. *Signed*, R. Grey. *Endorsed*, Recd. 16. Read Aug. 19, 1701. 2½ pp. [C.O. 28, 6. No. 7; and 29, 7. pp. 375–377.]

June 26.
Whitehall.

581. Council of Trade and Plantations to Governor Codrington. We have not received any letter from you since ours of May 23 last, but wait with impatience for the account that we then mentioned relating to what may be necessary for the defence of the Islands under your Government. We send you copies of what we writ to Mr. Attorney and Solicitor General and their answers upon the difficulties you proposed as to endenized foreigners and Capt. Norton's forfeit. You will have seen by the Order of Council, which we sent you in our last, that the King has been pleased to appoint Col. Hodges, whom you had put in, to be Lieut.-Governor of Mountserat. But as complaints have been made to us that former Lieut.-Governors of that Island by countenancing frivolous seizures of vessels, obstructing the due current of the laws against debtors and otherwise, have given great discouragement to traders, and that the putting authority into the hands of Planters, Traders and those who have particular concerns in the country may prove of ill consequence by their partiality towards their own interest, and the opportunity they may have to prejudice others, we desire you to caution

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Col. Hodges against all such unwarrantable proceedings, and yourself also to have a watchful eye upon the conduct of all persons under your Government, whose circumstances give occasion for suggestions of this nature, and more particularly the Officers of the Customs, who ingage themselves in trade. As we were writing this letter, we have received yours of May 5, containing chiefly some general hints of disorders in the Islands under your Government, and of the ill state of St. Christophers and the care you were taking to provide for the better security thereof in case of a war. But we wish you had also particularized what you conceive necessary to be sent from hence, that we might have represented our opinion thereupon to H.M. However, in the meanwhile applications having been made for the Government of St. Christophers and the Independent Company there by Lieut. Harris and Lieut. Wingfield, who have both served in the Army during the late War, and the former went over with Col. Collingwood's Regiment to the Leeward Islands, where he continued until that Regiment was broke, H.M. has thought fit to order that you send a speedy account of the state of that Island, and that you recommend such person for that Government and Company as you may judge most proper, and in the meanwhile H.M. leaves it to you to take the best methods for the governing and securing the same. And you are to give us an account of your proceedings therein by the first opportunity. And whereas we observe by instructions to former Governors that they were obliged to reside at St. Christophers, as a place where their presence might be most wanted, we do accordingly recommend to you that your residence be there as constant as may be, with regard to the security of the other Islands under your Government. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Abr. Hill, Mat. Prior. [*C.O.* 153, 7. *pp.* 196-199.]

June 26.
Whitehall.

582. Council of Trade and Plantations to the King. In obedience to your Majesty's commands, we have prepared the annexed draught of a Commission for the Lord Cornbury to be Governor of New Yorke, with a clause for determining the Commission of Capt. John Nanfan, the present Lieut.-Governor. And we have added a clause empowering his Lordship to command the Militia of East and West New Jersey, as the Earl of Bellomont was impowered by his Commission for the Government of New Yorke; as likewise the Militia of Connecticut, which was comprehended in the Earl of Bellomont's Commission for the Massachusetts Bay, but as we humbly conceive may be more conveniently in the hands of the Governor of New Yorke. We further humbly offer to your Majesty, that the Province of New Yorke having been several years at great expenses for the defence of their frontiers, there may be sent thither with the Lord Cornbury towards their defence, 100 light musketts, fifty barrils of powder, with ball proportionable, 6,000 flints, 100 granado shells, 6 drums and drum cords, proportionable, which may suffice at present upon his Lordship's memorial. We further humbly propose that Col. Romer, the Engineer, who has been employed about the

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forts and fortifications necessary for the security of the Province, should inform his Lordship in all things relating thereunto, and therefore be directed to continue there till his Lordship's arrival, and so much longer as his Lordship shall find requisite. We likewise humbly offer that your Majesty would please to direct that his Lordship may have a Vice-Admiralty Commission for the Province of New York and the Colonies of Connecticut and of East and West New Jersey, and that orders be given for his passage to his Government as is usual. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Abr. Hill, Mat. Prior. [*C.O.* 5, 1118. *pp.* 302-304; and 5, 1079. *No.* 74.]

June 26. **583.** Journal of Council of Trade and Plantations. Ordered that the Massachusetts Acts be sent to Mr. Solicitor General for his opinion thereupon in point of Law.

Letter to Col. Codrington signed.

Representation, relating to the Lord Cornbury's Commission for the Government of New York and other affairs of that Province, signed.

Draught of a Commission for Col. Dudley, to be Governor of New Hampshire, was agreed upon.

Letter from Mr. Secretary Vernon, June 18, referring to the consideration of this Board a Memorial of the Admiralty, relating to merchant ships, who wear H.M. colours upon pretence of Commissions from the Governors of Plantations, was read. Whereupon ordered that the Proclamation therein mentioned be procured and laid before the Board.

A memorial from Mr. Randolph, relating to his services and sufferings, was read.

June 27. Representation accompanying the draughts of Col. Dudley's Commissions for the Massachusetts Bay and New Hampshire, was signed.

The Lord Cornbury presented to the Board a memorial for stores of war to be sent to New York, which was read; and some alterations were thereupon made in the Representation signed yesterday to accompany the draught of his Commission for that Province.

A memorial from Mr. Bass, relating to the state of the Jerseys, was read.

Order of Council, April 18, confirming an Act of Jamaica, was read.

Order of Council, May 22, relating to the settlement of the Revenue in Jamaica, read.

Order of Council, June 12, for conferring on Sir Thomas Lawrence the place of Secretary of Maryland, read.

Two Orders of Council, June 12, confirming the Acts of the Massachusetts Bay, May 29, 1700, read.

Memorial in behalf of Mr. Skene, read. Directions given for preparing a letter to the Governor. [*Board of Trade. Journal*, 14. *pp.* 76-79; and 98. *Nos.* 109, 110.]

June 26. **584.** Minutes of Council of New York. Letter from Capt. Bleeker and Capt. Schuyler at Onnondage with relation to

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the Five Nations, as also the propositions of the Schaakhook and Onnagongue Indians to the gentlemen at Albany appointed to manage the Indian affairs, June 21st, read.

Barne Cosens was sworn Clerk and Register of the High Court of Chancery.

100*l.* paid to Jean le Chevalier, joiner, for work done by him in H.M. Fort.

23*l.* 0*s.* 3*d.* paid to Capt. John Schuyler for repairing four blockhouses in Albany and the Fort there.

25*l.* 10*s.* 6*d.* paid to Peter de Riemer for making and mending glass windows in the Fort in New York.

Salaries paid to Barne Cosens, Clerk of the Council, and to Richard Stokes, Messenger.

Salary paid to Jacobus van Dyck, Chirurgion to the Fort at Schenectady.

Payment made to Joachim Staats for the passage of several soldiers and other things to Albany in August last.

65*l.* paid to Hendrick Hanson and Peter van Brugh for firewood for H.M. soldiers at Albany.

Petition of Abr. de la Noy read. Ordered that the will of Peter de la Noy be produced to this Board before any order be made on the petition.

The Collector reported upon the petition of Jacob Isaac, that the goods in question were shipped in England directly for this port. The Council ordered the Collector in this case to demand and receive of the petitioner the duty of 2 per cent. as if the said goods had been imported directly from England.

Petition of Mando, a free negro woman, on behalf of herself and Hagar, her child, was read. Ordered that Samuëll Denton, the person complained against, be served with a copy, and appear before the Board on Aug. 2nd. In the meantime he is not to alienate, dispose of, transport or send out of this Government the said negro woman nor her child.

The Lieut.-Governor said that he had wrote to the Lieut.-Governor and Col. Romar, Engineer, requiring the latter to attend him at Albany, in order to put the frontiers of this Province in a posture of defence, and read answers acquainting him that the Council and Assembly of that Province [*Massachusetts Bay*] were of opinion that Col. Romar be detained at Boston, and not admitted to return to this Province till he had made an end of the fortifications they had engaged him in on Castle Island.

June 27.

The Committee reported on Robert Sincklair's petition, that he in 1692 imported stores for H.M. service by order of the Board of Ordnance to this Province and never yett hath received any satisfaction. The reason of the delay appears to be that at the arrival of the *Resolution* into this Province, Col. Benjamin Fletcher being Governor, and Capt. Sincklair having brought several goods and servants of the said Governor from England at the same time, Col. Fletcher did refuse to pay him not only the money due to him for transporting the stores out of the Revenue, but also the money due for ye freight and passage of his servants and goods,

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and that both are due at this day. And for that Sinclair being a seafaring man and sometimes absent from this Province, and having neglected to make his demands in Lord Bellomont's time by reason that several other owners were concerned and did not apply, therefore no warrant hath heretofore passed. Payment of freight now ordered.

Jean Bachand, blacksmith, paid 30*l*. for finishing the work over the gate in Fort William Henry.

John Maddocks paid for several things furnished by him for the Fort.

1*l*. 10*s*. each paid to the messengers from Albany.

Several accounts for rum and other presents to the Indians and for the Governor's expedition to Albany were ordered to be paid. [*C.O.* 5, 1184. *pp.* 557-563.]

June 26. **585.** Minutes of Council in Assembly of Jamaica. The Clerk and Messenger of the Assembly were sworn. There not being a quorum of the Council, the writs and returns of the elections of members were sent to the House as they desired.

June 27. The Assembly waited on H.E. and delivered their Address, promising to take care for the present subsistence of the Regiment lately arrived, and desiring a Committee of the Council to join them in drawing up an Address to H.E. on this occasion. The Governor returned thanks.

June 28. Committee of both Houses appointed as desired above. Some heads of an address were drawn up and submitted to H.E. [*C.O.* 140, 6. *pp.* 366-368.]

June 26. **586.** Minutes of Council in Assembly of the Massachusetts Bay. Bill to prevent clandestine purchases of lands, *etc.*, sent up, was read and passed and received H.E.'s consent.

Resolve of the Representatives, that it is needful for the Province to have an Agent to negotiate their affairs in England, concurred with.

15*l*. allowed to the Town of Tisbury for their assistance in building a meeting-house.

Report of the Committee for addressing H.M., and a Memorial by them drawn up in answer to H.M. letters, was read and agreed to, as also their further Report that H.M. be addressed for a restoration of some of our former privileges, *viz.*, choosing a Governor, Lieut.-Governor and Secretary, and such others as the Court should think fit. This Memorial and Report were sent down.

Bill for establishing of a Naval Officer and ascertaining of the fees, being drawn up by direction of the Board, was read a first time.

Several articles or clauses past by the Representatives to be drawn into a Bill in addition to the Act about Schools, and sent up, were read and concurred with. Ordered that a Bill be drawn up accordingly.

June 27. Bill for establishing of a Naval Officer, and for ascertaining of the Fees, was read a second time and passed.

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Resolve of the Representatives, appointing a Committee to superintend the laying out of the Boundary between Dedham and Natick, sent up, was read and concurred with.

Resolve of the Representatives, accepting the report of the Committee for settling the boundaries of Bilrica, Concord and Chelmsford (*given in full*), was approved, and the boundaries settled accordingly.

Bill, in addition to the Act for the settlement and support of Schools and Schoolmasters, was read a first and second time, passed and sent down.

Bill prescribing the form of a warrant for collecting Town Rates and Assessments, sent up, was read a first time.

Resolve passed by the Representatives was concurred with, that the remaining debts contracted during the Government of Sir E. Andros, which were reported by the Committee, together with such further debts as they shall receive the claims of within the time limited for that end by this Court, be paid out of the tax to be granted at the present Session of this Court; and that the Committee be empowered to grant Debentures upon such claims till Oct. 7.

Resolve of the Representatives concurred with that Nicholas Picket, of Marblehead, a soldier wounded in H.M. service, be granted 7*l.* instead of 5*l.* yearly as formerly.

June 28.

Bills, in addition to the Act for support of schools, *etc.*, and for establishing a Naval Officer, sent up, were read and passed, and received H.E.'s consent.

Bill prescribing a form of a warrant for collecting town rates, *etc.*, was read a second time and passed.

Bill for granting unto H.M. a tax upon polls and estates, sent up from the Representatives, was read a first time.

Report and Memorial of the Committee for addressing H.M. were returned by the Representatives with their agreement. The further report of the said Committee, that H.M. be addressed for restoration of some of our former privileges (*see June 26*), was returned with the non-agreement of the Representatives.

200*l.* allowed to James Taylor, for salary as Treasurer.

30*l.* allowed to James Maxwell, Doorkeeper of the Court.

Resolve of the Representatives concurred with, that the Committee appointed by this Court to lay out the money granted last year for fortifying Castle Island be a Committee, they or any two of them, to direct the laying out the money granted the present Session towards the fortifying said Island, and that they be duly satisfied for their service.

5*l.* allowed to the Town of Wells, and 5*l.* to York and 10*l.* to the precinct of Barwick in Kittery towards maintaining the Ministry there.

Committee appointed to consider the petition of the County of York relating to the imposition of tunnage, *etc.*, laid by New Hampshire upon vessels passing up the Piscataqua, reported that a letter be written to the Government of New Hampshire representing to them their unkindness in laying an imposition of tunnage on the open sloops that go from hence into their

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Government to trade, and the unreasonableness and injuriousness of imposing the same on vessels that must pass into the River to the late Province of Main. This report was approved, sent down and returned with the concurrence of the Representatives, and resolve that Mr. Secretary write a letter accordingly. [C.O. 5, 788. pp. 288-293.]

- June 27. **587.** Minutes of Council in Assembly of Bermuda. Ordered that the affidavits against Daniel Smith do remain in the Secretary's office as a Record.

A complaint, from and in the name of the General Assembly, was exhibited against Edward Jones, Provost Marshall in 19 articles. The Board thereupon unanimously advised that he be suspended from his offices of Provost Marshall and Secretary until H.M. pleasure be further known. H.E. accordingly suspended him. Charles Minors was commissioned Secretary. Act for speedy reparation of the Castle ordered to be published throughout the Islands next Sunday or Lord's Day. [C.O. 40, 2. pp. 38, 39.]

- June 27. **588.** Journal of Assembly of Bermuda. Act for an imposition on liquors and sugars read and sent up.

Deputation attended the Governor to know his pleasure in order to adjournment. [C.O. 40, 2. p. 263.]

- June 27. **589.** William Popple to Sir John Hawles. Enclosing for Whitehall. his opinion in point of Law the Acts of the Massachusetts Bay, Feb. 12, 1701. (*Enumerated.*) [C.O. 5, 909. pp. 433-435.]

- June 27. **590.** Humble memorial of Edward, Lord Viscount Cornbury to the Council of Trade and Plantations. H.M. Province of New York being the frontier of severall other H.M. Provinces in America, and being most exposed to the French in case of a warr with them, he humbly offers whether it may not be necessary to carry over with him some arms and ammunition for H.M. forces and garrisons, *viz.* light musquetts, powder, ball, flints, granado shells, drums and drum cords. It being of the highest consequence with regard to the safety of that Province to retain in H.M. obedience the Five Nations of Indians, and usual for every Governor of that Province to give them fresh assurances of H.M. favour, and to make them presents in his name, this is also humbly submitted to your Lordships' consideration. *Signed,* Cornbury. *Endorsed,* Reed. Read June 27, 1701. 1 p. [C.O. 5, 1046. No. 26; and 5, 1118. pp. 305, 306.]

- June 27. **591.** Council of Trade and Plantations to the King. Whitehall. Enclosing draft of Commissions for Col. Joseph Dudley. We further humbly offer that your Majesty would be pleased to direct that he may have also a Vice-Admiralty Commission for the Provinces and Colonies of the Massachusetts Bay, New Hampshire, Rhode Island and Providence Plantation and the Narraganset Country or King's Province, and that orders be likewise given

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for his passage to his Governments, with his goods and family, as is usual. And in obedience to your Majesty's further commands that we should lay before your Majesty what account we have lately received of the present condition and circumstances of New England, we humbly report that Mr. Stoughton has lately acquainted us that the said Province is unprovided of warlike stores for furnishing the forts and garrisons there, and that without your Majesty's assistance that Province, in case of a new war, will be exposed to very great hazards, for which reason he has desired us to move your Majesty to order some supplies of stores to be sent them from hence, which if your Majesty can well spare out of the stores of your ordnance here, we humbly conceive would be of great encouragement and use. But that Province being a numerous and wealthy Colony, enjoying great privileges by Charter and having been often required to provide for their own security at their own expence, we humbly offer that they be still pressed to do their duty in that particular, and that your Majesty would be graciously pleased to direct that 50 barrels of powder be immediately sent them by the first conveyance to answer the present exigency. *Signed*, Ph. Meadows, Wm. Blathwayt, Abr. Hill, Mat. Prior. [C.O. 5, 909. pp. 439-441.]

June 28.
Hampton
Court.

592. Order of King in Council. The Lords Commissioners of the Admiralty are to issue their Commission to Col. Dudley to be Vice-Admiral, as recommended in preceding, and to give orders for his passage as is usual. *Signed*, John Povey. *Endorsed*, Reed. 9th. Read July 11, 1701. $\frac{3}{4}$ p. [C.O. 5, 862. No. 62; and 5, 909. pp. 442, 443.]

June 28.
Hampton
Court.

593. Order of King in Council, approving of draughts of Commissions for Col. Dudley and ordering Mr. Secretary Vernon to prepare warrants for H.M. Royal signature accordingly. *Signed*, John Povey. *Endorsed*, Reed. 9th. Read July 11, 1701. $\frac{3}{4}$ p. [C.O. 5, 862. No. 63; and 5, 909. pp. 443, 444.]

June 28.
Hampton
Court.

594. Order of King in Council. Directing that the Earl of Romney, Master General of Ordnance, give the necessary directions for issuing out of H.M. Stores to Col. Dudley, Governor of the Massachusetts Bay, 50 barrils of powder to be immediately sent to the said Province by the first conveyance to answer their present exigency, which is not hereafter to be drawn into presedent, H.M. expecting that for the future the said Colony do provide for their security at their own expence. *Signed*, John Povey. *Endorsed*, Reed. 9th. Read July 11, 1701. 1 p. [C.O. 5, 862. No. 64; and 5, 909. pp. 444, 445.]

June 28.
Hampton
Court.

595. Order of King in Council. Approving of Representation of June 26, and ordering Mr. Secretary Vernon to prepare a warrant for H.M. signature accordingly. *Signed*, John Povey. *Endorsed*, Reed. 9th. Read July 11, 1701. 1 p. [C.O. 5, 1046. No. 29; and 5, 1118. p. 385.]

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June 28.
Hampton
Court.

596. Order of King in Council. Approving of Representation of June 26, and ordering accordingly. *Signed*, John Povey. *Endorsed*, Recd. 9th. Read July 11, 1701. 1 p. [*C.O.* 5, 1046. *No.* 28; and 5, 1118. *pp.* 386, 387.]

June 28.
Hampton
Court.

597. Order of King in Council, that the Lords Commissioners of the Admiralty do issue their Commission to Edward, Lord Cornbury to be Vice Admiral of the Province of New York and the Colonys of Connecticut and of East and West New Jersey, and that their Lordships do likewise give orders for his passage to his Government of New Yorke, with his goods and family as has been usual. *Signed*, John Povey. *Endorsed*, Recd. 9th. Read July 11, 1701. $\frac{1}{2}$ p. [*C.O.* 5, 1046. *No.* 27; and 5, 1118. *p.* 386.]

June 30.

598. Minutes of Council in Assembly of the Massachusetts Bay. Bill for granting a tax upon Polls, *etc.*, read a second time and passed.

Representation of the Selectmen of Sherborn, praying that the settling of boundaries between Sherborne and Framingham, and the confirmation of lands purchased by John Eames of the Indians, according to their petition, may be deferred until they be heard, read and hearing referred to the second Wednesday of next Session. This resolve, sent down, was returned with the Representatives' concurrence.

Resolve of the Representatives concurred with, that, in the vacancy of the General Assembly, it be lawful for the Commander in Chief, by and with the advice and consent of the Council, to transport such part of the Militia as they shall find needful, or oblige them to march into the Province of New Hampshire for the assistance and defence of H.M. subjects and interests, at any time or times within six months next coming.

15*l.* abated to Penn Townsend on Excise not received.

10*l.* allowed John White, Clerk of the House of Representatives.

Bills prescribing the form of a warrant for collecting town rates and for granting a tax upon polls, sent up, were read and passed and received H.E.'s consent.

2*l.* allowed to Capt. Samuel Phips, for extraordinary service by him done for the Representatives.

Resolve of the Representatives concurred with, that Wait Winthrop be sent by this Court as an Agent for this Province to manage the affairs thereof in England. [*C.O.* 5, 788. *pp.* 293-295.]

June 30.

July 10.
Rio Essequibo.

599. Jodocus Bate, Minister in Rio Essequibo, to the Lords Directors of the Dutch West India Company at the Chamber of Zeeland. *Signed*, Jodocus Bate. *Endorsed*, Read. Oct. 17, 1701. *Dutch.* 1 p. [*C.O.* 116, 19. *No.* 8.]

June 30.
Antigua.

600. Governor Codrington to the Council of Trade and Plantations. My last was from St. Christopher's, which Island I have put into the best condition I possibly could, and I believe

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I should be able to deal with Mons. De Genns in case of a warr, if the foolish faction between the Windward and Leeward side did not give the French the same advantage they had the two last wars. One part of my business hither was to hear an appeal of Mr. Mead's, and indeed I made the voyage so soon on purpose, but it seems he thinks noise and clamour will be more for his purpose than a fair and regular hearing; indeed his cause is fit for a cloud, and will not bear ye day, when I expected him here, I received the inclosed from Col. Elrington, without which I could never have suspected Mr. Mead could have pretended to complain of me. He had indeed reason enough to goe off as he did, for besides two Bills in Chancery, which were not for his conveniency to answer, and of which his subpoenas had been actually served on him, he would have had the mortification of having a sloop of his own and ten hogsheads of sugar condemned under his nose for want of coquet and register, and himself suspended of course, which I should not have failed to have done. For the taking off of sugar at that rate from the Windward part of St. Christopher's, without view of the searcher and a regular permit, is not only against the Acts of Trade and the $4\frac{1}{2}$ per cent. Act, but has, I believe, encouraged sending of many millions of sugar to St. Eustetia, Currasow, and St. Thomas's. This, my Lords, and some other things I had against him, made me resolve to suspend him, and the reason I did not do so sooner was because I expected Mr. Main, Surveyor General from Barbados, and intended to refer several things relating to the Customs and Acts of Trade to his consideration and reports home. Mr. Mead has indeed reason to be ang[ry], because he had been more absolute in Nevis before my arrival then ever any Bashaw was, and thinks it a great encroachment upon his antient privileges to be within the reach of Law and Justice. If Mr. Mead should make any complaint of me, I beg your Lordships will tell him I desire he would have no reserves for me, but that he would be very full and perticular in his accusation, which I know you will do me the justice to send me with his papers. All I can say at present is that Mr. Mead is the most detestable villain liveing, or I am the most contemptible ideot in ye world. If his complaynt should relate to his cause, I desire you would send for Mr. Hutchison and Mr. Broderick (who was Attorney General in Jamaica) to give you some account of it, and then I believe you will be satisfied that there never was more bare-fac't villainy, corruption and bribery in the management of any one cause yt. ever was. As to my conduct here ever since I arrived, I am told by those who I believe deal sincerely with me, that it has gained me the esteem of all the honest men, and if it has made some overgrown Knaves angry with me, I thought at least they would have the sence to keep their own infamy to themselves. Mr. Broderick can tell your Lordships it was said by some of ye best men at Nevis that I dispatcht more business and did more justice in three weeks then had been done in thirty year before. Amongst other things I have quieted all factions there, which I believe Mr. Mead takes very ill, since he was the

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man who always fomented them to serve his own turn. Indeed Col. Pym, Mr. Burt and two or three more of yt. party were not only his tools, but his slaves. Col. Pym was so to that degree, that when Mr. Mead's cause was before him as Chief Judge, and it was evident that not a word could be said for it, he had the impudence to quitt the Bench and swear by God he wou'd not hear it, and everybody believes, if I had not appeared in Court and said publicly that cause had been too long the scandall of that Island, and should be delayed no longer, that Mr. President Burt wou'd not have had the courage to have pronounced against his Lord and Master. As to that gentleman himself, that Col. Elrington says he believes is concerned in the complaints against me, I believe and hope 'tis a mistake, for th[ough ?] being deeply in debt he has done some things not justifiable, yet in the maine I do not think him an ill man, and I believe he would not do a base thing he cou'd avoid. I have made two decrees in Chancery against him since I arrived; against which I suppose he has nothing to say but that he is not over solvent, which is not my fault. My father had a great kindness for him, and I have shown him all the favour I could with justice. Mr. Cole is a Delator by inclination and profession; I pity him and never think of him but *Hunc non malignum dico sed miserum* comes into my mind; as to Mr. Keck, he was an attorney's prentice, and no farther concerned, I believe, then to assist Mr. Cole to write sence and English, which are not his talents. My Lords, all that I am solicitous about in this matter or any other of the same nature is my reputation, as to the Government, 'tis both a charge and a trouble to me; all the advantages of it don't pay for the very wine the Masters of ships drink who come to report to me. I live with all the frugality I can, and yet I find my charges will come to abundance more then my advantages. The short of my case is this, I think I have acted with the sincerity of a magistrate in a Platonick Commonwealth, that I have had no views but what centered in the publick good, I have refused all presents publick and private, I have defended the poor against the rich, and done justice to servants against their masters, where I was able, I have disoblged the busy and intregueing by a rigorous and impartiall exaction of the Acts of Trade, I have employed my whole time and thoughts on the publick concerns and yet have had no leisure for my own, in a word, upon a fair and cool examination of my conduct, *noctu et solus*, I cannot condemn it myself, and if I be so unfortunate as to displease your Lordships, 'tis most certain I must have done amiss through an unfathomable corruption of nature or invinceable stupidity, and upon either supposition I am not fitt to be a Governor. I have acted deliberately and cann plead neither surprize nor ill advice. Indeed, where the Law was at all concerned, I was intirely directed by Mr. Brunskill, whilst he lived, who was a man of uncommon integrity. He dyed about a month since at Nevis, and I must beg your Lordships to send me another Attorney General upon whose advice I may securely depend, for here are

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some little animals who call themselves Lawyers, and talk to me sometimes of Pleas, Demurrers, Errors and Exceptions, which I understand as little as they do. Where I can bring cases to a fair and short bill and answer, I believe nobody will have reason to complain of my decrees in equity. *Signed*, Chr. Codrington. *Endorsed*, Recd. Read Aug. 18, 1701. 6 pp. *Enclosed*,

600. i. Abstract of preceding. 1½ pp.

600. ii. Capt. Elrington, Lieut.-Governor of Nevis, to Governor Codrington. Nevis, June 23, 1701. I send you a letter which came to my hands directed for you, as also to give you an account of Capt. Mead's being goan for London in Moulton; it was reported here that he intended to goe away privately and indeed it was very plaine, for he put on board all his hogs and other provisions in the night after everybody was retir'd, but his hogs being not satisfied with his unjust proceedings cried out so much against it, that all the neighbourhood was allarm'd, upon which I sent for Mr. Moulton and assur'd him that if he did take him on board his ship without my leave, I would fier all the guns of the Fort at him, and bring him back. Mr. Moulton told Mr. Mead of it, whereupon the Secretary was sent for, and a ticket was writ at Mr. Carpenter's and brought me by the Hon. William Mead Esq., H.M. Commissioner of the Fower and half per cent., and Solicitor General of the Island of Nevis for the carrying on of falce and scandalous complaints. Before he went, he shewed me his leave from the Commissioners of London to goe to any part for his health, and likewise power to make a Deputy to act in his absence, which is Mr. Carpenter. I received from him for the King's part and yours, for the seizures, 41l. 11s., for which I have passed a receipt in your behalf. I am tould that there has bin privat meetings at Morton's Bay and other places with the President, Cole, Keck and Mead, and that he has quite tiner'd Cole and Keck with putting [*all*] his complaints in a method. He swears [*he*']l make smoke, as I am told. *Signed*, R. Elrington. *Endorsed*, Recd. Aug. 18, 1701. *Copy*. 2 pp. [*C.O.* 152, 4. *Nos.* 36, 36.i., ii.; and (*without abstract*) 153, 7. pp. 213-220.]

June 30. 601. Journal of Assembly of Bermuda. Committee appointed to audit the accounts, and, with the concurrence of the Governor and Council, to dispose of the moneys raised by the liquor and sugar tax.

July 1. Ordered that three pieces of eight be paid for registering vessels to the proper officer.

Act for Imposition on horses read and sent up.

Act to prevent extortion read and sent up a second time.

Act relating to the clause about Platt sent up. [*C.O.* 40, 2. p. 264.]

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June 30. **602.** Minutes of Council in Assembly of Jamaica. A message from the House, praying that Whitgift Aylemer, junr., may be sworn a member for St. James' Parish, and that new writts be issued for election of a member in the parish of St. Ann's in the room of George Ivy, who was likewise elected for Vere, and also for the town of Kingstone, in the room of Thomas Clarke, now a member of Council.

A message was sent up from the House, desiring H.E. to give them some light into the 4,000*l.* given by the late Queen's Bounty for the relief of the inhabitants of this Island ruined by the French, and how the same has been disposed of. An account was promised. [*C.O.* 140, 6. p. 368.]

July 1. **603.** Minutes of Council of Bermuda. Ordered, on a motion of Edward Jones, that he have a copy of the presentment and articles against him.

The Act to prevent the oppression and extortion of officers was, after some consideration and alteration, passed. [*C.O.* 40, 2. p. 39.]

July 1. **604.** Minutes of Council in Assembly of Jamaica. The House St. Jago de la Vega. concurred to the Address to H.M. agreed upon by the Committee.

A message was sent to the House from the Governor and Council that, in answer to their message about the King's Bounty money, the money had been disposed of according to H.M. Trust and Directions, and they were accountable to nobody else. A message was also sent to the House that this Board had seen their Order to the Receiver General, and that it was the first president of that nature, for heretofore the Assembly applied themselves to the Governor, and prayed that he would order the Receiver General to lay before them his books and accounts, and it was never denied.

The Board desired information to be given to them about the election at St. James. Mr. Whitgift Aylemer, junr., came to be sworn a member for St. James. But the Board having objected to H.E. that they had been informed that Mr. Aylemer himself did not believe it was he that was chosen, and likewise that Mr. Daniell, the Marshal who took the votes of the Electors (who is now Messenger of the House), offered to swear that he did not apprehend that it was Mr. Alyemer, but his father Lieut.-Col. Aylemer that was chosen, and Mr. Daniel not being sent up to this Board, as was desired, H.E. told them it should be considered of. Committees were appointed for a Conference of the two Houses to consider the question. Col. Heywood, one of the Committee of the Council, reported that he had acquainted the Committee of the House that the General and some of the Gentlemen of the Council being informed by the Messinger of ye House, upon being asked about the Election of St. James, made answer he understood it to be Col. Whitgift Aylemer was chosen, upon which the Council and Board desired to be satisfied therein, and accordingly sent a message to the House to desire the Messinger might attend us, and upon his not

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coming, and the House sending up Whitgift Aylemer, junr., to be sworn, the Council were of Opinion ye Messinger had not given such information of ye Election to the House, both which occasioned the Conference to be desired. And further if the Assembly had sent for any person attending the Council, he should have been ordered to attend immediately, and the occasion of Mr. Aylemer's not being sworn was the not sending the Messinger. To which Major Rose answered that the House had not given them any power to debate, not knowing what would be proposed by ye Committee of the Council, but that he would report what had been said to the Assembly.

The Draught of an Address to H.M., agreed to by the Committees of ye Council and Assembly, was read, and consented to by this Board, and ordered to be entered in ye Council Booke, and ye Clerke of the Council ordered to acquaint the House therewith. "Wee doe also thankfully acknowledge your Majesties most gracious concern for us in this emergency, being surrounded by the French and Spaniard, in sending soe experienced a Regiment to succour and assist us against the threatening power of our neighbours, who are making great preparations for war both by sea and land, not doubting the continuance of your Majesty's most gracious favour in adding such further supplies as may enable us to withstand the greatest efforts of our enemys," *etc.*

July 2.

Message sent up from the Representatives, that a Committee of the House had had a message in charge to attend the Governor to desire that Whitgift Aylemer might be sworn, before we received the message by the Clerk of the Council, and that hath occasioned the mistake that hath happened about our Messinger's not attending, which was an accident, without any intent to give ye least colour of offence to yr. Excellency or your Honors.

Resolve of the House sent up that they understood by the returns of ye writs that it was Whitgift Aylemer, the son, that was elected for ye parish of St. James's, and therefore the House desire he may be sworn. Mr. Aylemer sworn accordingly.

Message sent up by the Representatives pressing for an account of the 4,000*l.* Bounty money given by H.M. to the inhabitants of this island, who suffered by the French. They did not regard the Message sent yesterday as satisfactory; they were of opinion that every poor sufferer is intituled to a share, and that they, as their Representatives, ought to have an account thereof. H.E. and Council replied that they are sorry for the mistake was made by your Committee that carryed the message to H.E. relating to the King's Bounty money, that the Governor should answer to that message that he would give them a peticular account, whereas the answer he gave was that they should have an account, which account you have had already in your answer yesterday. [C.O. 140, 6. pp. 369-374.]

July 2.

605. E. Randolph to the Council of Trade and Plantations. Enclosing his account for soliciting the Bill for reuniting the Propriety Governments of the Crown. "I have great occasion for my money to provide necessaries for my voyage to the Plantations,

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whither I am bound the first opportunity of shipping." *Signed*, Ed. Randolph. *Endorsed*, Recd. Read July 2, 1701. 1 p. *Enclosed*.

605. i. Account referred to above. Total 96*l.* 11*s.* 6*d.*, of which 66*l.* 11*s.* 6*d.* rests due. *Signed*, Ed. Randolph. 1 p. [*C.O.* 5, 1261. Nos. 8, 8.i.]

July 2. 606. Council of Trade and Plantations to the Lords Commissioners of the Treasury, recommending payment of above. *Signed*, Stamford, Ph. Meadows, Abr. Hill, Mat. Prior. [*C.O.* 5, 1289. pp. 105, 106.]

July 2. 607. William Penn to the Council of Trade and Plantations. Pennsbury, 2nd ^m/₆ (Jul.). Honorable Friends, I intend by Capt. Puckle, the first ship that will sail hence since my last to you, to transmitt such laws as will be fit for your consideration in order to the Royal Assent. I am not yet answered by Secretary Vernon wt. method to take about ye goods imported by one Wood, but really Gillams the pirate, whether to treat them as the Judge and Advocat of ye Admiralty formerly and lately have advised me, viz., as forbidden goods, or as ye goods of Pirates, and consequently the King's entirely. I have writ since to ye Secretary again, but because perishable commoditys, shall proceed to condemn ym. as customary in such cases, and convict them upon a publick vendue into money for ye King's service. We have not been molested with any more of those people, tho' I hear we are threatened by them in other parts for our strictness to them here.

I have had divers meetings with the several nations of Indians of these parts, as the Shaweno, Sasquehanagh, Skoolkill and Delaware Indians, by arguments and many presents to perswade their submission to ye Government, and not to warr one with another, or on other Indians under Governments that are under the Crown of Eng., but rather that they would referr their differences to ye respective Governmts. they live under to issue them without blood, least such sort of Civil Wars, as they may be called, may not only wast them, but bring warr and danger too near to our English pale, if not engage some of them in their quarrels. At last they have agreed to warr no more upon Indians in ye neighbouring Governments, nor any else under the Crown of England, but to refer to me and ye Governor of those Indians with whom they may have difference, the decision or issue of any such difference. Of which I have writt to the Commander in Chief of New York, who assures me he will endeavour it, in his present conferences with the Five Nations at Albany. We are all quiet, in health, and the country improves, not by piracy or forbidden trade, but honest labour and sobriety, and I wish them that have recommended themselves by their officiousness, or would do so (having little else than shifting to live upon), were half as honest and usefull and honorable, as those they have faulted. Time will give truth in the best light, and artifice cannot always pass for it. I hope you have the name of the person I proposed for my Lieut.-Governor, if the King by your advice

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approved of him, of which I should be very glad to hear; the weight of affairs making me very easy in having that advantage, wishing rather to supervise than to be executive; but I must beg of you to represent to the King the reasonableness of such a person's being Vice-Admiral in ye same Province by ye King's Commission. There can be no fear of one that you approve. I shall hope for your favorable interpretation of the thoughts I sent you last, and to hear if any of them can deserve your approbation. I must say there is much to do to improve ye morrals of ye people, and the capacity of these parts of the world to trade, and wish the best methods may be fallen upon to prosper both. It has been much of our business in Council, as well as conversation, of late, to think of something that may better enable us to make returns for England, and we hope by rice, whale oyle and bone and a codfishery, with what Tobacco and furs and skins we make and get, to do something considerable in a few years, if the charge of freight upon a warr succeeding shall not frustrate our projections. It is trade must make America valluable to England, and if the industry of the inhabitants be not encouraged and well conducted, the Colonys must either sincke or become a great charge to the Crown to support them. I take the boldness to affirm, here lies the clinch of the business, and other discourses are more entertaining than usefull, which I leave to ye proof of time, rather than ye credit of my assertion, and I heartily wish you would please to encourage a corrispondence with Governors upon the head of Improvement either by new staples, or advanceing the goodness of the ould ones. I will say now no more, but begg your favorable construction of what I have done, and to allow me a share of your good opinion, which is very much valued by your very faithful and respectfull Frd., Wm. Penn. *Endorsed, Recd. 1st, Read Sept. 2, 1701. Holograph. 7½ pp. Annexed,*

607. i. Abstract of preceding. 1 p. [C.O. 5, 1261. Nos. 8.A., 8.A.i.; and (without abstract) 5, 1289. pp. 201-206.]

July 2.
Whitehall.

608. Journal of Council of Trade and Plantations. Mr. Randolph presented a memorial, which was read, and a letter thereupon writ to the Treasury.

Col. Fox, late Lieut. General of the Leeward Islands, presented a letter from Col. Codrington, Jan. 30 last, wherein Col. Codrington referring their Lordships in divers particulars to such informations as Col. Fox might give, he was desired in the first place to lay before the Board a Memorial of the State of Defence of the Leeward Islands, and what stores of war are at present wanted there, which he promised to do accordingly.

Draught of a letter to Mr. Grey, now Lord Grey, Governor of Barbados, upon the subject of Mr. Skean's petition relating to the Secretary's place of that Island, was agreed upon, and ordered to be transcribed.

Letter from the Council of Barbados, April 15, relating to some complaints that had been made of the delay of Justice in that island, was read. Ordered that a copy of paragraph, which

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relates to Mr. Hodges's Complaint, and of the certificate therein mentioned, be delivered to the said Hodges.

A letter from the Lord Grey, Governor of Barbados (with accounts of the methods of proceedings in the several Courts of that Island) April 28 last, were read.

July 3. Letter to the Governor of Barbados signed.

Sir Henry Ashurst desired that the papers in this office relating to the sentence past at New York upon Jacob Leisler and Jacob Milburn in 1690 or 1691, may be communicated to him. Ordered accordingly.

July 4. Sir Henry Ashurst having yesterday had the perusal of above papers, desired copies of some, attested by the Secretary, which their Lordships directed to be given him accordingly.

Memorial from William Churchil, with an account of the Stationery were furnished by him, July 3, 1700—June 25, 1701; likewise an account of postage of letters, Sept. 4, 1700—June 19, 1701, sent in by Mr. Short, the Post Officer, were laid before the Board. Directions given for preparing a letter to the Treasury thereupon.

Sir Tho. Trevor, late Attorney General, being now made Lord Chief Justice of the Common Pleas, ordered that the Jamaica Agent be minded to wait upon him for the Acts of that Island, which remain in his hands; and that he be desired to return to this Office the Acts of the Bermuda Islands, and any others that may be in his hands, whether he have prepared any Report upon them or no. Proclamation of July 12, 1694, containing some regulations relating to the colours to be born by H.M. Ships of War and others, was laid before the Board and read, and directions thereupon given for preparing a report, with a letter to Mr. Secretary Vernon in answer to his of June 18.

Mr. Champante acquainting the Board that [*there*] are ships now ready to sail for New York, and that unless some speedy directions be given upon the subject of their Lordships' letter to the Treasury of June 25, the Bills drawn upon him on account of the subsistence of the Forces at New York would be protested, and H.M. service there would very much suffer, the Secretary by Order of the Board did thereupon write to Mr. Lowndes, to desire him to mind the Lords of the Treasury of the importance of that matter. [*Board of Trade. Journal, 14. pp. 80-92; and 98. Nos. 111-113.*]

July 3. 609. Attorney General to the Council of Trade and Plantations. I have perused the Acts passed in the General Assembly of Jamaica, June 27, 1699 (*enumerated*), and find nothing therein contrary to Law or prejudicial to H.M. Prerogative. *Signed, Tho. Trevor. Endorsed, July 7, Read Aug. 13, 1701. 1½ pp. [C.O. 137, 5. No. 43; and 138, 10. pp. 242, 243.]*

July 3. 610. Council of Trade and Plantations to Governor the Lord
Whitehall. Grey. His Majesty having been pleased by Order in Council, April 3, to refer to our consideration a petition presented to him in the name of Alexander Skene relating to the place of Secretary

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of Barbadoes, we enclose a copy of the said Order and also of the petition. In confirmation of his right and proof of the injury done him there has also been presented to us a more particular Memorial, and we being desirous to enquire further into this affair have sent to Mr. Eyles, your Agent, for such information as he might be able to give us, and upon his answer having again taken the reply of Mr. Skene's friend thereunto, we send you likewise the copies of all those papers. And upon the whole we observe to you, that there seems to be an innovation made by yourself or your private secretary to the prejudice of the Secretary of the Island appointed by H.M. Letters Patents, which must by no means be allowed, yet that we may not trouble H.M. unnecessarily in a matter that you may and ought to remedy, nor report anything upon an imperfect information, we give you this notice, that you may without delay take care that Mr. Skene be either satisfied in the several particulars which he complains of, or that you send us a full and plain account of the reasons of your not doing it, in answer to the several allegations which you will find in the enclosed papers. We further give you to understand that in case there be not a speedy compliance made herein to his satisfaction, we do think it reasonable that you take sufficient security from Mr. Beddingfield, or whoever be the person officiating in the Secretary's place, that in case the right to that place be determined by H.M. to be in Mr. Skene, he doe make good to Mr. Skene the full profits of that place, since the time of his having been obstructed in the free and entire enjoyment thereof, together with costs and damages. You are to give us an account of your proceedings in this matter, and withall to report according to the best information you can get, what the profits whereof Mr. Skene has been deprived do amount to, that we may be enabled to lay the whole before his Majesty. *Signed*, Stamford, Meadows, Abr. Hill, Mat. Prior. [C.O. 29, 7. pp. 334-337.]

July 3. **611.** Minutes of Council of Bermuda. Master of a brigantine, forced in to repair a leak, allowed to land his cargo of liquors, provided he do not trade the same without paying duty.

July 4. The Assembly sent up an Address to H.E. about Platt.

An Act for establishing Fast Days to be celebrated four times in a year in an anniversary course was sent up and passed. An Act for laying an imposition on horses, etc., and an Act for laying an imposition on liquors and sugars passed. [C.O. 40, 2. pp. 39, 40.]

July 2. **612.** Journal of Assembly of Bermuda. The Assembly met and the business of the House was prepared in order to be presented to the Governor in Council.

July 3. Acts for an Imposition on Liquors and Sugars; for an imposition on horses; and against the extortion of officers, were carried, and sent up.

Acts for four fast days to be observed throughout these Islands in an anniversary course, as also an Address of the Assembly

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to the Governor, presenting him with 300*l.* and his Lady with 50*l.*, passed and sent up.

On the request of Capt. Edward Jones, late Provost Marshall, that he might have copies of the names of such as made affidavits against him, and of the affidavits sworn to, the House voted that he might have a copy of the charge against him, but not of the names of the persons that made affidavits against him, nor of the affidavits at present.

The Act for an Imposition on Liquors and Sugars was returned passed his Excellency and Council; whereto was also annexed a prayer of the Assembly to the Governor that Capt. John Tucker of the town of St. George may be appointed Treasurer to receive the money raised by the said Act, the which his Excellency the Governor and Council referred to a further consideration. This day the said Act was published on the Town Bridge.

July 4. *See preceding Abstract under date. [C.O. 40, 2. pp. 264-266.]*

July 3
and 4.
College of
William and
Mary.

613. Minutes of Council of Virginia. H.E. laid before the Council a letter from H.M. Jan., 1701, relating to auxiliaries to be sent to strengthen the Frontiers, etc.; also a letter from Lieut.-Governor Nanfan, May 20, 1701. Upon the reading whereof it is the opinion of ye Council that it is very much for H.M. service that H.M. letter, and the quota of men therewith sent, be laid before ye General Assembly at their next Sessions.

H.E. laid before the Council a letter from Governor Blakiston, June 20, 1701.

H.E. and the Council upon reading a letter from the Rt. Hon. James Vernon, intimating that the French had fitted out a squadron of men of war to be sent to ye Spanish West Indies under the command of M. Decoetlogoon, and signifying H.M. commands to H.E. to be upon his guard, and to take care to do all yt. may be necessary for the security of this Colony, in case there should be any attempt made against it, Ordered that a Proclamation be prepared commanding the Commanders in Chief of every County to make strict and publick enquiry of all ancient officers and others what publick arms or ammunition is in their several counties, and in whose custody, and that an account of the same be forthwith returned to the Council Office; yt. no arms nor ammunition upon any pretence be exported; that all merchants and dealers in this Colony give an account to the Commander in Chief of that County where they inhabit, what guns, etc., they have to dispose of and at what rate they will dispose thereof, to the end that the same may be purchased for the necessary defence of this Colony in time of eminent danger; and last yt. all and every the Militia, horse and foot, be alwaies in readiness at an hour's warning; well armed and equipt for war. This Proclamation was signed.

H.E. laid before the Council a copy of his letter to the Council of Trade, laying down the reasons for not sending all ye Journals, etc.

The Militia ordered to be mustered and lists of able men ordered to be prepared. Look Outs appointed for the coasts.

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Naval Officers and Collectors ordered to make up their accounts upon Aug. 6.

A General Assembly being appointed to be held at H.M. Royal College of William and Mary upon Aug. 6, at which time the public levy will be laid, as in such cases is usual, it is thereupon ordered for the better effecting thereof, that the Clerks of every County Court send down to the Assembly a list of their County tithables.

Ordered that the Sheriff of each County give notice to the Burgesses to meet precisely on Aug. 6, and they are hereby further required to proclaim a Court of Claims to be held in their County some convenient time before ye said Sessions of Assembly, and to give notice that then the Burgesses will receive all such aggrievances and propositions as shall be given them by the inhabitants of their County to lay before the Assembly.

All persons forbidden to go on board any ship before she have sent on shore and made herself known. Sheriffs to cause this order to be read at their respective Courts.

Letter from Mr. Secretary Vernon, March 4, 1701, ordered to be recommended to the Committee to revise the Laws; and the state and condition of the Militia, wherein they are to consider (1) whether it is most proper for every foot-company to have their fire-arms all alike; (2) whether it would not be best that they should be all horse or dragoons, ye foot being of little use; (3) whether a public magazeen of arms and ammunition would not be very convenient to be kept in each county by several Chief Officers; (4) whether to encourage all to enure themselves to feats of arms or deeds of chivalry, it would not be very proper to have public prizes in each county for shooting and wrestling and backsword; (5) in case of an invasion or approach of an enemy by sea or land (which God forbid) how alarms may be most speedily given; (6) whether for the better knowledge of the strength and forces of the country, it would not be very requisite to have every neck betwixt the four great rivers to be divided into several precincts, in each of which some able, judicious person may be appointed Muster Master, who from time to time shall render a list of the several troops of horse and companies of foot within such precincts, how they are equipt, which list is to be lodged in a peculiar place, to which we may at all times resort, and for the better encouragement of able, loyal and judicious men to perform that service, some valuable recompense may be annually allowed to such, and for the better maintaining the peace and tranquility of this Country, they are desired to take under their consideration the dangerous consequences of negros and servants running away and lying out, and to consult the best way to prevent, remedy and redress it, lest, if an enemy attack us, they either willingly joyned with ym., or being taken by them, should discover the state of the country.

Ordered that the result of the conference of H.E. and the Council and Assembly heretofore given concerning the Fortifications and defence of this Colony (May 9, 1699), be communicated to the Committee to revise the Laws, to see what further expedient they can finde. [*C.O.* 5, 1409. pp. 134(a)-142.]

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July 4.
Whitehall.

614. William Popple to the Jamaica Agents. I wrote to you, June 3, to desire your care in procuring Mr. Attorney General's Report upon the Acts of Jamaica, and now not doubting but his report has long been ready, and the new office he has advanced to making it necessary that he be freed from the trouble of all things of that kind, the Council of Trade and Plantations again command me to desire you to attend him about that matter. [*C.O.* 138, 10. *p.* 168.]

July 4.
Whitehall.

615. William Popple to William Lowndes. The Council of Trade and Plantations being informed by Mr. Champante that there are ships now about to sail for New York, and that unless some speedy direction be given upon their letter, June 25, the Bills that have been drawn upon him on account of subsistence for the soldiers at New Yorke will be protested and H.M. service there will very much suffer, desire you to remind the Lords of the Treasury of the importance of this matter, that such directions may be given therein as their Lordships think fit. [*C.O.* 5, 1118. *pp.* 306, 307.]

July 4.

616. William Churchill to the Council of Trade and Plantations. There is due to W. Churchill for stationery wares delivered for the use of the office from 1696 to Midsummer, 1701, 391*l.* 8*s.* 2*d.*, for all which service he having never yet received anything, humbly prays that ye Lords of the Treasury may be effectually moved in that behalf, which considering how long he has been already out of his money, submits it to your Lordships the great loss he has and must otherwise still suffer thereby. *Signed*, William Churchill. *Endorsed*, Recd. Read July 4, 1701. $\frac{1}{2}$ *p.* *Annexed*,

616. i. Bill for Stationery, July 3, 1700—June, 1701. *Total*, 121*l.* 17*s.* 5*d.* $3\frac{1}{2}$ *pp.* [*Board of Trade.* *Miscellanies I.* Nos. 48, 48. i.]

July 4.

617. (1) The Post Officer's Account for postage of letters for the Board of Trade, March 28, 1699—Sept. 3, 1700. *Total*, 63*l.* 1*s.* 0*d.* *Endorsed*, Recd. Jan. 17, 1700 $\frac{1}{2}$. $3\frac{3}{4}$ *pp.*

(2) The Post Officer's Account for postage of letters for the Board of Trade, Sept. 4, 1700—June 19, 1701. *Total*, 26*l.* 8*s.* 4*d.* *Endorsed*, Recd. Read July 4th, 1701. $1\frac{1}{2}$ *pp.* [*Board of Trade.* *Miscellanies I.* Nos. 46, 47.]

July 4.

618. Minutes of Council in Assembly of Jamaica. The Assembly pressed further for an account of the Bounty Money, "for that this House very well know that several sufferers have had no share of the Bounty." To which H.E. and Council replied that they were of opinion that noe further answer could be given than in theirs already to your former messages.

Message sent up from the House that they had resolved to debate to-morrow the taking care of the soldiers, and desiring that, your Excellency will be pleased to use your authority immediately to prevent the exportation of arms, ammunition

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and all provisions during the danger of a war. To which H.E. answered that he would give order accordingly. [*C.O.* 140, 6. *pp.* 374, 375.]

July 4.

619. Minutes of Council in Assembly of the Massachusetts Bay. His Honour, the Lieut.-Governor, being rendered incapable by reason of sickness of further affording his presence in the General Assembly, or of admitting of their going to him, his Honour sent an Order under his hand adjourning them till July 30. [*C.O.* 5, 788. *p.* 295.]

July 5.

Whitehall.

620. William Popple to Sir Thomas Trevor, Lord Chief Justice. The Council of Trade and Plantations, observing that there are some Acts of the General Assembly of the Bermuda Islands yet lying in your hands, which were sent to you July 26, 1699, and it not being now fit that your Lordship should be any further troubled with those matters, desire your Lordship would please to return those Acts to their Office, whether you had formerly prepared any report upon them, or no. As for the Acts of Jamaica, which were sent you May 24, 1700, believing a report may already have been prepared thereupon, they have directed the Agents of that Island to wait upon your Lordships for it. If there were any other Plantation Acts in your Lordships' hands, it is desired they may be also returned hither. [*C.O.* 38, 5. *pp.* 166, 167.]

July 6.

621. Minutes of Council of Virginia. Capt. Nevill wrote on this date from Linhaven Bay, reporting his return from convoying the fleet. [*C.O.* 5, 1409. *p.* 133A.]

July 7.

Jamaica.

622. Governor Sir William Beeston to the Council of Trade and Plantations. Refers to letter of May 30. I now transmit the Naval Officer's account of exportation, Sept., 1698—Dec., 1699. I have not yet received the account of the Stores from the Officers, but as soon as I do, they shall be transmitted, nor have I since my last received any from your Lordships to give any further answer to. The Regiment of Foot H.M. has been pleased to send hither for the assistance to the Island are very well arrived, and pleased with the country and their quarters, and the Island continues in very good health, which I hope will be happy to them as well as the inhabitants. We have rumours of wars from all parts, but no certainty yet, if it come we must do the best we can to defend ourselves, and we all believe a squadron of ships to meet the enemy at sea before they make any descent would spoyle their landing, at least soe disable them that we should have noe great doubt of beating them off. The Assembly has been sitting ever since June 24. At their meeting I proposed only the quartering of the souldiers, and the raising again the Act for the additional duty on wines imported and negroes exported, which expires the 17th inst., but hitherto they have done nothing but stir'd up disputes to no end but raising animosities and differences, and I am not yet certain if they will do anything

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or not, there having been great industry used in the Election of such which, as they call it, are against perpetuity. I believe they may passe an Act for quartering the souldiers, but doe heare they intend not the other, without adding to it a repealing clause of that Act for the perpetual revenue made in the Duke of Albermarle's Government; but how it should enter into their thought yt. I could be persuaded, or the Council either, to give consent to it, I cannot guesse. The prospect of a war upon us will not admit the keeping of them together, being most of them Officers in the Militia; therefore I expect no good from men who meet with prejudiced minds. What more they do, your Lordships shall have particulars from, etc. *Signed*, Wm. Beeston. *P.S.*—The soldiers begin this last weeke to drop of, about 9 being lost. *Endorsed*, Recd. 6th, Read Oct. 8, 1701. *Holograph*. 1 p. *Annezed*,

622. i. Abstract of preceding. $\frac{1}{2}$ p.

622. ii. Memorandum of Naval Officer's List of Ships cleared from Jamaica, Sept. 7, 1698—Dec. 12, 1699. *Slip*. [C.O. 137, 5. Nos. 52, 52.i., ii.; and (without enclosures) 138, 10. pp. 293, 294.]

July 7.
Boston.

623. Isaac Addington to William Popple. *Refers to death* of Lord Bellomont and "the languishing state of our Lieut.-Governor." He being now brought almost to the Gates of Death and his life dispaired of, I hold myself bound in duty to transmit the accompt thereof to the Lords Commissioners for Trade. We have been in long expectation of news from England, and to know the result of H.M. Councils as to peace or war, and are at work in fortifying of Castle Island. The Province is in present quiet. *Signed*, Isaac Addington. *Endorsed*, Recd. 22, Read Aug. 26, 1701. 2 pp. [C.O. 5, 862. No. 65; and 5, 909. pp. 465-467.]

July 1st.
Rio
Essequibo,
Fort
Kijkoveral.

624. Samuel Beeckman to the Lords Directors of the Dutch West India Company at the Chamber of Zeeland. *Report upon the business affairs of the Colony*. *Signed*, Samuel Beeckman. *Endorsed*, Read Oct. 1 (N.S.), 1701. 10 pp. *Dutch*. *Enclosed*,

624. i. List of Enclosures and of Bills of Exchange for slaves. 1 p. *Dutch*.

624. ii. Samuel Beeckman to the Dutch West India Company. Fort Kijkoveral, July 2nd, 1701. *Signed*, Samuel Beeckman. *Dutch*. 1 p. *Addressed and sealed*.

624. iii. Copy of List of goods needed for the Colony Rio Essequibo. *Dutch*. 5 pp.

624. iv. Commercial regulations issued by the Commandant and Council, Fort Kijkoveral, July 5 (N.S.), 1701. (*Translated* British Guiana and Venezuela Boundary Arbitration. "Venezuela, No. 3, 1896." p. 69.) *Dutch*. $4\frac{1}{2}$ pp.

624. v. Copy of Resolutions, passed July 4 (N.S.), 1701. *Dutch*. $2\frac{1}{2}$ pp.

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624. vi. List of Medical Stores delivered to Christoffel de Vos, Surgeon. *Dutch.* 3 pp.

624. vii. Invoice of Cargo shipped to the Company by Commander Beeckman. *Dutch.* 1 p. [*C.O.* 116, 19. *Nos.* 7, 7. i.-vii.]

July 8.

625. Tho. Hodges to the Council of Trade and Plantations. Whereas by an Order in Council, April 30th last, in the case of James Cowse and Elizabeth his wife, it appears that Instructions to Governors of Barbados are to have the force of Laws, particularly in the case of Appeals, which they are to allow only where liberty of Appeal is demanded within fourteen days after sentence, and since it is of great importance to all persons interested in the said Island to know the rules and laws by which they are to be governed, being thus interested, I humbly desire I may at convenient times have liberty to peruse the Laws of that Island and the Commissions and Instructions to this and the several preceding Governors, which are lodged in the Plantation Office. The knowledge of former Commissions and Instructions is absolutely necessary in many cases for such as have suites depending in that Island. Your Lordships having, about eight months since, on my request, sent to the Governor and Council of that Island for the Journals of their Courts, by which ye truth of the complaints depending may best appear, I hope you will please to give me liberty to peruse such account as they have sent of those proceedings, in order to set that matter in a true light. *Signed*, Tho. Hodges. *Endorsed*, Reed. Read July 8, 1701. 1 p. [*C.O.* 28, 6. *No.* 8.]

July 8.
Whitehall.

626. Council of Trade and Plantations to the Lords Commissioners of the Treasury. Explaining the account of the incidental charges of the office, rendered Jan. 17, and adding the accounts of Mr. Churchill, the Stationer, and Mr. Short, the Post Officer. *Total*, due apart from salaries, 62*l.* 2*s.* 11*d.* *Signed*, Stamford, Ph. Meadows, Abr. Hill, Mat. Prior. [*Board of Trade.* *Miscellanies*, 11. pp. 116-119.]

July 8.

627. Journal of Council of Trade and Plantations. Letter to the Treasury, relating to the Incidents and salaries of this office, signed and sent.

Mr. Hodges presented a Memorial desiring leave to peruse the Laws of Barbados, the Commissions and Instructions to all the Governors of that Island, and the Journals of their Courts that have been lately received. He was told that the King's Instructions to Governors are private Rules, which are not to be communicated even to the respective Councils but upon particular occasions, and not to be exposed to public view, yet nevertheless if he desired to be informed concerning any particular Instruction, their Lordships would consider of it; that the Laws of that Island are passed and promulgated there, but being transmitted hither for the King's approbation, if he desire to see any particular Law lying in this office, he should have the perusal of it; that

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the papers lately received from thence have not been transmitted in pursuance of any order made upon his petition, but upon directions given formerly upon other occasions; yet nevertheless their Lordships are willing to gratifie him with the sight of the proceedings of the several Courts of Common Pleas in that Island and with the papers relating to the Chancery.

Upon his desire also to be informed of anything that may have been received from thence, relating to Mr. Loder, ordered that such part of the Governor's and Council's Letters and enclosed papers, as relate thereunto, be communicated to him.

The Secretary signifying to the Board that Mr. Cowze (agent for Mr. Skene) had desired a copy of the letter lately writ to the Governor of Barbados relating to the Secretary's place of that Island, ordered that the same be given him.

Draught of a Representation to the Lords Justices, relating to merchant ships bearing H.M. Colours, with an inclosing letter to Mr. Vernon, approved and ordered to be transcribed.

July 9.

Above letters signed.

Several letters and papers, from three of the Council, from Col. Smith, from Mr. Livingston and Capt. Nanfan, received yesterday from New York, were laid before the Board. The letters were read. [*Board of Trade. Journal, 14. pp. 92-100; and (July 8 only) 98. No. 114.*]

July 9.
Boston

628. Isaac Addington to William Popple. In my letter of July 7 I advised you of the languishing state of our Lieut.-Governor. He expired the same night. *Signed, Isaac Addington. Endorsed, Recd. 25th, Read Aug. 26, 1701. 1 p. [C.O. 5, 862. No. 66; and 5, 909. p. 468.]*

July 9.
Whitehall;

629. Council of Trade and Plantations to Mr. Secretary Vernon. In answer to your letter of June 18, we inclose our Report upon the Memorial of the Admiralty relating to merchants' ships in the West Indies wearing H.M. colours, that you may please to order the same to be laid before their Excellencies the Lords Justices. *Signed, Stamford, Phil. Meadows, Abr. Hill, Mat. Prior. Annexed,*

629. i. Representation of Council of Trade and Plantations to the Lords Justices, *referred to in preceding.* All H.M. Governors of his Plantations in America having Vice-Admiralty Commissions, and being thereby empowered and by H.M. immediate Commission unto them further directed to constitute and appoint Captains, Masters of Ships and other Commanders at Sea, and accordingly to grant Commissions unto such Captains, Masters and Commanders, we humbly conceive it necessary for the security of ships sent out by them for H.M. service, as well as for the honour of H.M. Commission, that those ships be authorized to bear such colours as may distinguish them from ordinary merchants' ships and other common trading vessels. And whereas by their Majesties' Proclamation, July 12, 1694, several

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directions are given for the colours of ships sailing with Commissions of Letters of Mart, and of those employed by the Commissioners of H.M. Navy, etc., whereby their colours may be distinguished from those borne by H.M. ships of war, we humbly offer that (no directions being given in that Proclamation for the colours of ships sailing with Commissions granted by the Governors of Plantations, such distinctions may be also appointed for the colours of ships sailing with those Commissions), as your Excellencies shall think proper, and that, together with such explanatory or additional orders, the said Governors be required according as is proposed by the Lords Commissioners of the Admiralty, to restrain all ordinary merchants' ships and other common trading vessels from wearing the colours born by H.M. ships of war, and in all other respects to conform themselves to what is particularly directed by the foresaid Proclamation. *Signed*, Stamford, Ph. Meadows, Abr. Hill, Mat. Prior. [*Board of Trade. Plantations General, 36. pp. 4-7.*]

July 9. **630.** Minutes of Council in Assembly of Jamaica. The House desired the writs and returns of a Member to serve for Kingston in the room of Thomas Clarke, junr., and for St. Ann's parish in the room of George Ivy, which was granted.

Lieut. Col. Whitgift Aylemer and Samuel Knight were sworn Members for St. John's and Kingston respectively.

H.E. and this Board being advised that yesterday a Resolution and Order of the Assembly was proclaimed by beat of drum about ye streets by Edward Batterton, Dept. Marshall of this precinct, he was summoned and asked how he durst proclaim anything without order or directions from H.E. He said Mr. Gay, Clerk of the Assembly, gave it to him and ordered to him to proclaim it, and that H.E. being then going to dinner, he could not conveniently acquaint him with it. Whereupon he was ordered to take down the paper and bring it to this Board, which he did, and the same was read, and ye Board was of opinion that for the matter of the Resolution, it was very commendable, but for the Order and Directions to the Justices and for the Proclamation of the paper, they were unanimously of opinion that it was contrary to Law and against the King's authority, and therefore it was ordered by this Board that the Provost Marshall should take the said Edward Batterton into custody till further order.

July 10. The House desired to know from H.E. whether Edward Batterton belonged to the Council, to which H.E. answered that he did. The House desired leave to send for him. H.E. answered that he was put into prison as a punishment for a misdemeanour against this Board, and he did not know anything they could have to do with him.

The Representatives attending, the Speaker read the following paper: "The Assembly being informed that on July 8 several of the soldiers were turned out of their quarters, and others

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threatened to be served in the like manner, it was thereupon resolved that all soldiers lately quartered in this Island, shall be provided for by the people respectively on whom they are quartered, and that they shall provide for them convenient lodging and victuals and that the J.P.s in their respective precincts are required to acquaint this House if any shall presume to disobey this Resolution; and Ordered that the above Resolution should be publickly read and set up at St. Iago de la Vega, Port Royal, Kingston and halfeway Tree at Liguanea by the Marshall of each of ye precincts, and Ordered that the Speaker should sign the above Resolution and Order, which they conceived to be the best expedient in this juncture to prevent any ill usage to ye soldiers, till such time as a Law should be provided for that purpose, which was then under ye consideration of ye House. The House have resolved, *nemine contradicente*, that the pulling down the said Resolution and Order is a high affront to this House. And this House being informed that Edward Batterton, Messenger to the Council, has in contempt to this House pulled the said Resolution and Order from the place where it was set up and affixed for the information of H.M. subjects, therefore pray that he may not be protected by the privilege of the Council, but answer the same to our House." To which the General replied that it should be considered of, and an answer returned in the morning. [C.O. 140, 6. pp. 375-378.]

July 10.
Hackney.

631. William Wallis, of London, to the Council of Trade and Plantations. Petitioner, being under contract for supplying H.M. Stores with Masts, Bowsprits, etc., about March, 1700, did lay before this Board a Memorial relating to the Masts growing in New England, and the great prejudice sustained for want of a proper Surveyor, that might preserve the same. He did then propose that Mr. Brenton, the present Surveyor, might allow his Deputy, Capt. Ichabod Plaisteed, a sufficient salary, which he then understood your Lordships had accordingly directed. Having since been at New England and finding the said Deputy is not paid his salary by Mr. Brenton, notwithstanding he hath been duly paid here, and that by reason thereof the Masts fit for H.M. service are much prejudiced, and that if due care be not taken therein, it will in a little time be impossible to supply H.M. Navy with such Masts as are required for the service, he therefore prays that the Surveyor be directed to pay his Deputy his salary and arrears. *Signed*, William Wallis. *Endorsed*, Reed. Read July 11, 1701. $\frac{3}{4}$ p. [C.O. 5, 862. No. 70; and 5, 909. pp. 452, 453.]

July 10.
Boston.

632. Council of the Massachusetts Bay to the Council of Trade and Plantations. *Announcing the death of the Lieut.-Governor*. The General Assembly were upon the consideration of H.M. letters, Jan. 19 and Feb. 2, but before passing their Address thereon were constrained by reason of the Lieut.-Governor's sickness to be adjourned to the 30th this month,

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Signed, Wait Winthrop, John Philipps, Ja. Russell, John Hathorne, Elisha Hutchinson, Wm. Browne, Jonathan Corwin, John Foster, Peter Sergeant, Joseph Lynde, Daniel Peirce, Em. Hutchinson, Penn Townsend, John Appleton, Natha. Byfield, Benja. Browne, John Higginson, Isaac Addington. *Endorsed*, Recd. 20th, Read Aug. 21, 1701. 2 pp. [C.O. 5, 862. No. 67; and 5, 909. pp. 463-465.]

July 10.
Boston.

633. Council of the Massachusetts Bay to Mr. Secretary Vernon. *Duplicate of preceding. Same signatures. Endorsed*, R. Aug. 20, 1701. 2 pp. [C.O. 5, 862. No. 68.]

July 10.

634. *Duplicate of preceding.* 2 pp. [C.O. 5, 862. No. 69.]

July 10.
Boston.

635. Minutes of Council of the Massachusetts Bay. The Hon. William Stoughton, Lieut.-Governor, being lately deceased, and there being no person within this Province commissioned by his Majesty to be Governor, resolved and ordered that a Proclamation be forthwith committed for the continuance of all Military Commission Officers until further order. This Proclamation was signed by the Members present and published.

Letters to the Rt. Hon. Mr. Secretary Vernon and the Lords Commissioners for Trade and Plantations, giving notice of the death of the Lieut.-Governor, were drawn up and signed by all the members of the Board present.

Ordered that Mr. John White, late Chaplain to the Garrison at Casco Bay, now in town, be dismissed from that post, and that he supply the place of Mr. Remington, late Chaplain to ye Garrison at Saco, who is come away from thence by reason of illness.

July 11.

For the more easy and ready dispatch of the affairs of ye Government, resolved that there be a Council held at the Council Chamber in Boston upon every Wednesday and each week weekly, to meet at ten o'clock in the morning, and that all the Members of the Council now absent be notified of the said stated time for the Council's sitting, that so they may afford their presence there for H.M. service without expecting further notice.

Ordered that there be forty pieces of Ordnance discharged at H.M. Castle upon Castle Island, twenty at the Fort in the town of Boston, and twenty on Board H.M.S. *Province* galley, for solemnizing the funeral of Lieut.-Governor William Stoughton upon Tuesday the 15th instant.

Ordered that the Secretary do sign and attest all certificates of affidavits made before this Board for the registering of ships and other vessels.

The following Order was drawn up and signed :—That Isaac Addington and one other of the Council be appointed to grant permits unto the Masters of such vessels and other vessels outward bound as have duly cleared at the offices whereat by Law they ought to clear, for their passing by the Castle, etc., etc.

Order directed to Capt. Josias Crowe, Commander of H.M.S. *Arundel*, for a cruise upon this coast for the better securing of Navigation by the space of 14 days from this date, signed.

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Certificate of the approbation of the major part of the Justices and Selectmen of Boston, that Thomas Gold of said Town be permitted to erect an additional building of timber to the back end of his house, next the Common, read and licence granted accordingly.

Capt. John Wing similarly granted leave to build a leantoo on his land next adjoining to the west end of his house nigh unto Deacon Bridgeham's.

Stephen Minot granted leave to erect a timber building on his land lying near unto Roxbury Gate, within ye bounds of Boston.

Mary Peirse, widow, granted licence to erect a timber building upon her land at the north end of Boston between the land of Nathaniel Thomas and Capt. John Barnard.

John Dasset granted leave to erect a timber building adjoining to the southerly end of his dwelling house, situate in ye lane leading from Prison Lane to ye New Meeting-house. [*C.O.* 5, 788. *pp.* 65-69.]

July 10.

636. Mr. Hodges to the Council of Trade and Plantations. Pursuant to the liberty your Lordships were pleased to give me, I humbly lay before you some reasons for altering that part of the usual Instructions to Governors of Barbados, concerning the allowance of Appeals to H.M. in Council from sentences in that Island, provided the sum appealed for exceed 500*l.*, and that such appeal be made within a fortnight after sentence, and good security given by the Appellant to prosecute, etc. This short time is not by any law of that Island, but barely by virtue of the said Instructions, and is a very great hardship for the following reasons:—(1) Tho' there be limited times appointed by several statutes for almost all other writts and actions, yet writts of errors, which are in the nature of appeals, were never limited to any time, either by the common or statute Law of England, and if it be fit to appoint some certain time for them in the Plantations, yet to reduce them from an unlimited time to 14 days is too great an alteration. (2) It may happen by sickness and many other unavoidable accidents, that a person who is in the Island and has occasion to appeal, cannot attend to demand it within 14 days, and may not be able to give the security he is oblidged within that time, and yet by omission thereof he is to be forever debarred of any remedy, as that Instruction now stands. (3) Whereas a great part of the interest and propriety of that Island belongs to persons resident in England, they and all others who happen to be out of that Island are lyable to be ruined by judgments and decrees there, since if their Agents happen to die, or neglect to demand liberty of Appeal within 14 days they are for ever barred, and their debts and estates lost, and they are the more lyable to this in that Island, because judgments and decrees may be obtained against one that never appeared to the suite, by prosecuting against his Attorney or Agent, which cannot be done in England. (4) Whereas in all other Laws of that Island, this Kingdom and of every other Nation, by which persons are barred of their right for neglecting to claim within a time limited,

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there are exceptions for infancy, coverture, imprisonment, and other disabilities, and a reasonable time given after such disabilities removed, in this Instruction there is no distinction or provision for any person whatsoever. *Arguments advanced against the Instruction obliging persons appealing to give security, against the clause by which Appeals are not to be allowed unless the value appealed for exceed 500l.*, "because the final jurisdiction in all causes under that value is too great a power to be lodged in that Island, unless there were reason to expect a more impartial administration then they have hitherto shown." The following alterations in future Instructions to Governors of that Island may be for the King's service :—(1). The time for appealing allowed to persons who are in the Island at the time of giving judgment, or making a decree, should be at least three months, or three months after such disabilities as infancy, imprisonment, coverture, etc., cease. (2) Persons in England or in any other place in Europe to be allowed two years after a sentence in the Island, and persons in any other part of America six months, but in both these cases the time allowed to be reduced to three months, on such persons arriving sooner in that Island, to be computed from the time of arrival, with allowance for infancy, as in the first article. (3) That the sum under which they may not appeal be reduced to 300l. (4) That the security to be given for costs and charges may not exceed 200l., and persons offering to be bound, who will depose they are worth so much, shall be received as good security, unless there be reasonable proof of the contrary. (5) That any person who recovers any sum in that Island exceeding the 200l., and appeals because he has not his full due may not be obliged to give any security. *Signed*, Tho. Hodges. *Endorsed*, Recd. Read July 11, 1701. 3 pp. [*C.O.* 28, 6. *No.* 9 ; and 29, 7. pp. 338–343.]

July 11.
Whitehall.

637. William Popple to the Agents of Barbados. The Council of Trade and Plantations command me to send you the inclosed copy of a paper that has been laid before them [*above*], relating to Appeals from the Government of Barbadoes to H.M. in Council here, and to desire you to give them your opinion thereupon in writing, so soon as you can conveniently. [*C.O.* 29, 7. p. 344.]

July 11.
Whitehall.

638. Mr. Secretary Vernon to the Council of Trade and Plantations. The King has been pleased to appoint Brigadier William Selwyn to be Governor of H.M. Island of Jamaica in America, which I acquaint your Lordships with by H.M. command, that you may cause draughts to be prepared of his Commission and Instructions accordingly. *Signed*, Ja. Vernon. *Endorsed*, Recd. 14th, Read July 15, 1701. $\frac{3}{4}$ p. [*C.O.* 137, 5. *No.* 39 ; and 138, 10. p. 168.]

July 11.
Whitehall.

639. William Popple to John Sansom. The Lords Commissioners for Trade and Plantations having now under consideration draughts of Instructions for the Governors appointed

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for New York, Massachusetts Bay and New Hampshire, relating to the administration of those Governments, they have commanded me to desire you to propose to the Commissioners of H.M. Customs that they would consider of any alterations necessary to be made in the Instructions for the Governors of Plantations relating to Trade, which were first prepared by them (and the last corrected draught whereof I received from you July, 1700), whether it be with respect to any Act of Parliament past since that time or otherwise. And more particularly whereas Mr. Randolph has lately laid before their Lordships the copies of some papers, which he says he has likewise presented to the Commissioners of Customs, concerning irregularities in the Plantation Trade, the loss H.M. suffers thereby in his revenue, and the want of some further remedy than what the officers of the Customs there have hitherto been able to apply, their Lordships desire the Commissioners of the Customs would please upon this occasion to take his proposals into consideration, and thereupon to add such articles to the foresaid draught of Instructions relating to Trade, as they think proper. [*Board of Trade. Plantations General, 36. pp. 8, 9.*]

[? July 11.] 640. Col. Fox to the Council of Trade and Plantations. According to your Lordships' directions, I here endeavour to give a faithful account of that part of America I was in [*i.e., The Leeward Islands. Ed.*]. When I first arrived there, I found most of the people indebted, and several did complain to me that such obstructions had been in the course of justice among them before my coming there by the frequent adjourning of these Courts that people for several years have been by those means debarred of the benefit of recovering their dues, which I did endeavour to remedy by appointing the several parties to appear before me, by which I either brought them to an agreement, or persuaded them to refer their matters of differences to an arbitration, which took effect with a great many of them, and especially in Nevis, the place of my residence there. When I took my progress round the several Islands, I observed their Militia, which I found very ill disciplined, no arms nor ammunition to speak of, and most of their guns, without carriages, lying flat upon the ground, nor no stores either for small arms or great guns, or other engines of war, which is of dangerous consequences, especially in St. Christophers, where also the Forts are much out of repair, so that in case of a rupture (tho' the English part of that Island is more populous, and seems to be stronger than ye French part, still the French have the advantage that they are proportionately in much better order, having four companies of soldiers there very well equipped with arms and ammunition and more forward than the English to improve their fortifications. One M. Renaud, a famous Engineer, who was sent to that Island on purpose to view their Forts (whyle I resided there) having drawn the plan of a new fortification, which in time may bridle us. As for our people in that Island, they generally seem to be of a stubborn temper, not much caring

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to submit to any Government that doth not sute to their own humour.

Nevis seems to be naturally stronger and better fortified ; still there is great want of good arms and ammunition, but if care was taken the Militia of that Island might be brought to some discipline ; still seems to be in less danger than *St. Christophers'* tho' not able to hold out very long without reliefe. That place is always sickly.

Mountseratt is in far greater danger than any by reason of ye few Protestant inhabitants in that place, there being twinty Roman Catholics to one Protestant ; and unless they quickly find out how to stop ye progress of the Irish among them, who daily grow thicker (being drawn thither out of Ireland and other parts by some relations or acquaintance of ye same opinion) they seem to be disposed, as soon as they'll find an opportunity (I mean ye Papists there, who would soon overpower ye others) to deliver the Island into ye hands of ye French, or any of their Popish confederates. That Island is very healthy.

Antigua, ye richest and ye most populated, is in no less danger than the others, by reason of ye several places where an enemy can land round that Island : the Militia there is something better ordered than in any of ye aforementioned Islands, but their fortifications want sadely to be repared and improved ; they also want good arms and ammunition. That place is always very sickly.

Generally speaking, none of those Islands can hold out long, if an enemy should appear before them, and if *St. Christopher's* was once taken by the French, that Island would supply them with a place of arms and a Rendezvous, to bring in whatever they should want to reduce ye others.

There is two small Islands more belonging to ye same Government that are inhabited—viz. *Anguilla* and *Spanish Town*, but there is so few inhabitants, and most of them so poor, that whosoever hath, or will have them, will be very little ye better for them. *No signature or date. Endorsed, Recd. 11th, Read July 16, 1701. Addressed. 2½ pp. [C.O. 152, 4. No. 37; and 153, 7. pp. 203–206.]*

July 11, 641. Journal of Council of Trade and Plantations. Letter from Lieut.-Governor Stoughton, June 3, read.

Memorial from Mr. Wallis, praying that Mr. Brenton's Deputy Surveyor of the Woods in New England may be duly paid the salary which Mr. Brenton promised this Board to allow him, was read, and a Memorandum thereupon taken for directions to Col. Dudley appointed Governor for those parts, when he shall be ready to go thither.

A Memorial from Mr. Hodges, proposing some new regulations to be made relating to Appeals from the Government of Barbadoes to His Majesty in Council here, was read, and thereupon ordered that a copy thereof be sent to the Barbados Agents for their opinion thereupon.

Letter from Mr. Yard, July 9, requiring the opinion of this Board

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in a Project of the Treaty of Peace with the Emperor of Morocco, was read.

Directions given for summoning merchants concerned in that Trade to attend.

Mr. Randolph having desired the Board to take into consideration some papers he had lately laid before them (which had already been read the 17th and 24th March), the same were read again; and the subject thereof relating chiefly to such matters as lye under the inspection of H.M. Customs, the Secretary was ordered to write to Mr. Sansom that the Commissioners of Customs may thereupon add such articles to the draught of Instructions prepared by them relating to Trade, as they then thinke fit.

Copies of several Orders of Council, lately received, read. [*Board of Trade. Journal, 14. pp. 101-104.*]

July 11.
St. Jago de la
Vega.

642. Minutes of Council in Assembly of Jamaica. Answer sent to the House. "Your paper of yesterday is of such moment that it requires time to answer more then this present emergency will afford. Wherefore to prevent all further disputes about this matter, and that wee may goe on cheerfully with soe good and reasonable a work as ye quartering and provideing for the soldiers, wee doe acquaint you that wee are so farr from protecting our Messinger, that for his hanius offence of proclayming anything by beat of drum without askeing and having the Generall's leave, wee have comitted him close prisoner, in order to his further punishment for soe great a crime."

The House replied that this was no manner of answer to their complaint, the House not being concerned in the beating the drum, wherefore they desired a full and satisfactory answer. H.E. said they should have a further answer, which was drawne by H.E. and unanimously approved of by the Board, and ordered to be fairly transcribed by the Clerke against to-morrow morning. Petition of Edward Batterton, Dep. Marshall, was read and ordered to be entered, "inasmuch as it was your petitioner's meer ignorance and inadvertency with the then hurry of the day, which led him soe to publish the said vote," begs for pardon.

July 12.

The House sent up a message to H.E. that they had gone through the heads of the Bill for quartering the soldiers, and have agreed to give the officers money instead of quarters and doe intend to levy the money soe to be given on the Treasure which was gathered in the Earthquake; that the House have sent orders to several of the then Commissioners, who are now Councillors, to lay their accounts relateing to that Treasure before ye House, which hitherto have not been complied with, wherefore the Assembly pray that they may have ye said accounts, for that they cannot proceed without them. To which H.E. answered, he would order the Council to meet and send them an answer in ye afternoon.

The House was summoned to attend H.E. in the Council Chamber and the following paper was read to them:—The Governor and Council having considered ye contents of the paper brought up, July 10, cannot but wonder upon what grounds the present Assembly have assumed to themselves such powers

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as do not in any wise belong to them, and such as were never before offered at in the former Assemblys of this island, some whereof wee shall enumerate, that they may remain on our Journal and yours for future Sessions to take notice of and avoid. Soon after the opening of this Sessions, ye Speaker's warrant was sent to five of H.M. Council to require them to appear before them, and give them an account of the money collected after ye calamity of the Earthquake. This was (if their warrant had been obeyed) the ready way to unframe the whole Government, and carry of one branch of the Legislative authority, besides the surplus of that money was the King's onely, not raised by the Assemblys, and therefore not to be accounted for to them, and the President and Council were then Governors, who always have H.M Orders to dispose of his money. The sending to the Governor and some of the Council to give them an account of the King's Bounty money was of the same peice, being the King's own money by him directed how to be disposed of and where to be accounted for.

It's true in money raised by the Assemblys the King in kindness to the country has given an Instruction to his Governors, that if the Assembly desire it, he shall order the Receiver to lay the publick accounts before a Committee of the Assembly for their inspection; but that ever before now the Speaker sent his warrant to command the Receiver to come before them and bring his books without desiring the Governor to send his order to him soe to do, was never heard of, nor that ever the books were taken out of the Receiver's hands and kept from him.

The issuing out a Proclamation by authority of the Assembly and signed by the Speaker and published by beat of drum, and publickly affixed up, was never heard of before in this island, nor to be done or offered at by any House of Commons in England, unless that part of a House that dethroned the King and voted the House of Lords useless, and is such an intrenchment upon H.M. prerogative and authority, that had wee not taken public notice of it by punishing the Marshall that presumed to doe it, wee must have betrayed the trust and confidence H.M. reposes in us for the preservation of his honour and authority in this Island, and your commanding the Justices of the Island to come to you to complaine, is wholly impracticable, nor can either a resolve or vote of your House oblige them to it. The demanding our Messinger was very unfitt and improper since wee sent him to take downe that paper, which he himselfe undutifully and without any of our knowledges had presumed to publish and fix up, and for which wee have committed him to close prison, not doubting but wee have power over our own servants. Nevertheless, if you can make it appear to us that he has done anything disrespectfull to your House, wee will endeavour to doe you Justice.

We think it necessary likewise to observe to you that the Assembly has now been together above a fortnight, yet wee doe not hitherto observe one step you have made towards the tenor of ye writt you were called by nor towards anything the Governor recommended to you at the opening this Sessions, which

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was very short, in regard wee know not how soon our enemyes may be upon us, but instead thereof you have entered into disputes, controversies and high demands, as if being now mett together, the whole power and authority of the Government were in your hands, and in yours onely, which wee must by no means grant. But if you will leave of these heats and disputes, and sett yourselves about the Bill for quartering the soldiers (which you might have finished and sent up to us in the same time you were providing your resolve), wee shall be ready to joyne with you in it. If not, you may believe the Governor will send home ye Address you have prepared, that H.M. may thereby see your management, and how well you have observed the promise you have there made to him in takeing care of his soldiers, which he in kindness has sent to us to assist in our preservation. Wee likewise desire that these paper messages (which tend only to the raising animosities and differences, instead of healing any breeches may be in the country, and which wee believe to be all our dutys to cement and not to enlarge) may cease, it being ye resolution of this Board not to answer any further debates of that nature, nor to wast time in such fruitless disputes.

And further H.E. recommended to the House the expediteing the Bill for quartering ye soldiers and other ye business he had recommended to them at ye first meeting without persisting in such disputes as had spent too much time already. [*C.O.* 140, 6. pp. 379-384.]

July 15.
Whitehall.

643. William Popple to Sir John Hawles, Solicitor General. The Council of Trade and Plantations command me to send you an Act of the General Assembly of the Massachusetts Bay to impower the Treasurer to issue forth Bills of Credit, and desire your opinion thereupon (as upon those of the same Province already in your hands) in point of Law. [*C.O.* 5, 909. p. 456.]

[? July 15.]

644. J. Bass to the Council of Trade and Plantations. The complaints of the disorders and irregularities of the Proprietary and Charter Colonies still increasing and it being the opinion of this Board that it is of absolute necessity that the Legislative power of the Nation is onely capable of providinge suitable remedies for so great evils by reassuming the powers of Government and placing them in the hands of H.M., in order to the attaining this end, I would humbly propose that a Commission of Inspection into the State and Complaints of the Proprietary and Charter Governments might be granted to such person or persons as your Lordships shall judge fit for such a service, with sutable instructions to enquire into:—(1) the several transgressions of the Acts of Trade; (2) the encouragement and entertainment of pirates; (3) the denial of appeals to England; (4) the raising and falling of coyne to the damage of the neighbouring colonies; (5) the quantity of tobacco yearly made in the three lower Counties of Pennsylvania, and how and by whom shipped, with the places where; (6) the state of their Militia and Courts of Law; (7) the boundaries of Pennsylvania, more particularly

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where Mr. Penn's patent limited to the latitude of 40 degrees takes its beginning on Delaware River, that a true account may be given of the quantities of lands surveyed out of the bounds, the one half of the quit rents being due and reserv'd to H.M.; (8) the Refuge that hath been given by any of those Proprietary or Charter Colonies to fugitive sailors, soldiers or servants, etc. And to make returns of these enquiries with the proofs against the next session of the Parliament, by which not onely your Lordships, butt that Honorable Assembly may be thoroughly acquainted with the true state of those Colonies, and better enabled to make a due regulation and settlement of them. *Signed, J. Bass. Endorsed, Recd. 15, Read July 16. Addressed. 1½ pp. [C.O. 5, 1261. No. 10; and 5, 1289. pp. 109-111.]*

July 15.
Whitehall.

645. Journal of Council of Trade and Plantations. Letter from Mr. Secretary Vernon, July 11, read. Draught of a Commission for Brigadier William Selwyn to be Governor of Jamaica prepared accordingly.

Letter from Mr. Addington, Boston, June 2, read, and papers enclosed laid before the Board. One of the enclosed Acts, to empower the Treasurer to issue forth Bills of Credit (April 19, 1701), ordered to be sent to Mr. Solicitor General for his opinion.

July 16.

Memorial from Col. Fox relating to the state of the Leeward Islands read.

Memorial from Mr. Bass read. Thereupon ordered that letters be prepared to the Governors of Virginia and Maryland to require them to get and send over authentic proofs of the misdemeanours of the Proprietary Governors and Governments in their neighbourhood and that Memorandums to the same purpose be also given to the Lord Cornbury and Col. Dudley when they shall be ready to repaire to their respective Governments; and the like Memorandums also to Mr. Randolph, when he shall go for America.

Representation signed, wherewith to lay before their Excellencies the draught of Brigadier Selwyn's Commission.

The Lord Cornbury laid before the Board a Memorial relating to the arrears of pay due to the soldiers at New York, etc. Mr. Champante ordered to attend.

Two Messengers of the House of Commons praying for some consideration for their pains in bringing several Orders of that House to this Office, 10s. ordered to be given them.

Their Lordships took into consideration a draught of Instructions for the Lord Cornbury, and made some progress therein.

July 17.

Mr. Champante attending, acquainted their Lordships that the arrears of 4,573*l.* 8*s.* mentioned by Lord Cornbury is the same he had already explained in his account (June 25 etc.). The Lords of the Treasury had ordered him to apply himself to the Lord Renelagh for the subsistence due to the soldiers at New York, and he was attending his Lordship for his directions about putting in the security that shal be thought fit, in order to his receiving that subsistence,

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Their Lordships made a further progress in considering the draught of Instructions for the Lord Cornbury. [*Board of Trade. Journal, 14. pp. 105-110.*]

July 16.

646. Governor Edward, Lord Cornbury to the Council of Trade and Plantations. Upon June 27th your Lordships were pleased to order some arms and ammunition for New York, and 20 men to recruit the four Companies of Foot now there. Since that time a ship is arrived from New York, by which there is an account that forty men have deserted from the two Companys at York, besides what has deserted from Albany, of which there is yet noe perticular account. It is therefore humbly submitted to your Lordships' consideration, whether it will not be proper that a greater number of men may be sent to that Province then what is above mentioned, and if soe, whether it will not be reasonable that some levy money may be allowed for the raising such a number of men as your Lordships shall think convenient. The desertion of the soldiers is chiefly occasioned by the great arrears of subsistence and clearings, and the want of cloaths, the four Companys having an arrear of noe lesse than 4,573*l.* 8*s.* owing to them from March 26, 1699, to May 20, 1701, besides what has accrued since that time. The most effectual means to prevent a total desertion of the souldiers in that Province will be to pay off that arrear, and it will be almost, if not altogether impossible to contain them within their duty without it. Whether your Lordships will be pleased to recommend this matter to the Lords of H.M. Treasury, or what other method your Lordships will be pleased to subscribe, is most humbly submitted to your consideration. *Signed, Cornbury. Endorsed, Recd. Read* July 16, 1701. 1 *p.* [*C.O. 5, 1046. No. 30; and 5, 1118. pp. 388, 389.*]

July 16.

Whitehall.

647. Council of Trade and Plantations to the Lords Justices. Enclosing the following Commission and Instructions. *Signed, Stamford, Ph. Meadows, Abr. Hill, Mat. Prior. Annexed,*

[July 31.]

647. i. Commission for Brigadier William Selwyn to be Captain General and Governor in Chief of Jamaica and the territories depending thereon in America. *Signed by the Lords Justices, Westminster, July 31, 1701. Countersigned, Wright. [pp. 171-192.]*

[July 23.]

647. ii. Instructions for Brigadier William Selwyn as Governor of Jamaica. You are to repair thither with all convenient speed, and upon arrival to assemble the Council:—Peter Beckford, Peter Haywood, Charles Knights, Nicholas Laws, Henry Lowe, Thomas Ascough, Charles Chaplin, Josiah Heathcote, Charles Sadler, Thomas Clarke, junr., John Walters, Esq., and Sir Thomas Muddyford, Bart. You are to publish your Commission, take and administer the oaths, etc., to them, proclaim yourself Capt. General and Governor in Chief, and communicate to the Council such of your Instructions as you think fit. The Council are to have freedom

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of debate and vote, and to lose their places if absent from the Island without leave, or absent for the greater part of two years without his Majesty's leave under his Royal signature. You are to transmit the names and characters of 12 persons fit to supply the vacancies in Council, with all convenient speed, and upon vacancies to name others to the King. You are from time to time to send to H.M. and to his Commissioners for Trade and Plantations, the names and qualities of any Members by you put into the Council by the first conveniency after your so doing; and to take care that the Councillors and other officers be men of estates and abilities. You are neither to augment nor to diminish the number of Counsellors, as hereby established, nor to suspend any without good cause, and to transmit your reasons for so doing, as also to enter them in the Council Book. You are to observe, in passing Laws, that the stile of enacting the same, by the Governor Council and Assembly, be henceforth used, and no other. You are to transmit authentick copies of all Laws, Ordinances, etc., each of them separately under the public seal within three months of their being enacted, together with duplicates by the next conveyance, under pain of H.M. high displeasure and the forfeiture of that year's salary, unless no shipping come from the Island within that time. You are not to grant any Act for levying money or imposing fines whereby the same shall not be mentioned to be granted or reserved unto H.M. for the publick uses of that Island and the support of the Government thereof, as by the said Act shall be directed. Presents to the Governor to be granted in a similar fashion. And you are not to permit any clause in a Money Bill, whereby the same shall not be made liable to be accounted for unto His Majesty. Fair books of accounts are to be duly kept, attested and transmitted every half year to the Treasury and Council of Trade, and duplicates by the next conveyance. No public money is to be issued but by warrant of the Governor with consent of the Council. The Assembly is to have power to examine the accounts. No tax on wines, etc. is to be made to continue for less than one whole year, and all Laws, except those for a temporary end, are to be made indefinite and without limitation of time. You are not to re-enact any Law which has or shall have been once enacted, except upon very urgent occasions, but in no case more than once, without H.M. express consent. You shall not pass any Act whereby the price of current money, foreign or other, within your Government may be altered, without H.M. particular leave or direction.

And you are particularly not to pass any Law or do any Act whereby H.M. Revenue may be lessened without

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his especial leave or command. You shall not remit any fines or forfeitures, above 10*l.*, nor dispose of any escheats without H.M. directions, but may suspend the payment of such fines and forfeitures till you receive directions. You are to use the most effectual means for discovering H.M. Quit Rents. The goods of pirates are to be secured in the hands of the King's Officers. The Secretary is to provide copies of the Acts and Journal of Council to be transmitted, and the Clerk of Assembly is to send over the Journal of their proceedings. You are to transmit by the first opportunity a Map of the whole Island, with the several Plantations and Fortifications upon it, together with a list of all officers and an account of public charges and the present Revenue. You are not to displace officers without good cause, to be signified to H.M. and the Commissioners for Trade and Plantations, and to prevent arbitrary removal of Judges and Justices of the Peace, you shall not express any limitation of time in the Commissions which you are to grant, with the advice and consent of the Council, to fit persons for those employments; nor shall you execute yourself, or by Deputy, any of the said offices, nor suffer any person to execute more offices than one by Deputy.

Whereas H.M. is given to understand that there are several offices within his said Island granted under the Great Seal of England, and that his service is very much prejudiced by reason of the absence of the Patentees, and by their appointing Deputies not fit to officiate in their stead, you are, upon your arrival in Jamaica, to inspect the said offices and to enquire into the capacity and behaviour of the persons now exercising them, and to report thereupon to H.M. and to his Commissioners for Trade and Plantations, what you think fit to be done or altered in relation thereunto; and you are upon the misbehaviour of any of the said Patentees or their Deputies, to suspend them, till you shall have represented the whole matter and received H.M. directions therein; but you shall not by colour of any power or authority hereby as otherwise granted take upon you to dispose of any office or place which now is, or shall be granted under the Great Seal of England. You are not to erect any new Court of Judicature, nor dissolve any Court or Office already established. In all matters relating to pirates you are to govern yourself according to the Act for the more effectual suppression of piracy, and to send accessories to be tried in England. You are to transmit an account of all Courts, Offices, Privileges, etc., to the end that you may receive H.M. especial directions therein; and shall take especial care, with the advice and consent of the Council, to regulate all salaries and fees, and that tables thereof be hung up in all public places, where such fees

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are to be paid, and transmit copies thereof. A Court of Exchequer is to be called when needful. You are to take care that none is punished but by known Laws, not repugnant to the Laws of England, and to administer the oaths, etc., Test and Association, to all publick Officers. You are to permit liberty of conscience to all persons (except Papists), so they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government. You are to send an account yearly of all the inhabitants, and how many are born, christened and buried. You shall take care that all Planters and Christian servants be well and fitly provided with arms, and that each Planter keep so many whites as the Law directs, and that they appear in arms at all such times as they shall be required; you are to take care that frequent and unnecessary marches are not taken. You are not to execute Martial Law without consent of the Council. You are to recommend unto the Assembly the passing of an Act for punishing mutiny and desertion. An inventory of all warlike stores within the Island is to be transmitted upon your arrival, and thenceforward yearly. You are to take especial care that fit Store-Houses be settled in the Island for keeping arms, etc., and publick stores, and to send an exact account of the state of defence of the Island. You are to cause a survey to be made of all harbours and landing-places and to recommend the building of fortifications to the Assembly. The sole power of impressing seamen is vested in the Governor, to whom any Captains of ships of war are to make application, and who is to take care, upon such application, that H.M. ships of war be furnished with the necessary men. Due entries are to be made of goods exported and imported, and copies transmitted yearly. You are to send an account of the rates and duties upon imports and exports half-yearly. You are to encourage the officers of the Admiralty and Customs. You are to give an account of the strength of your neighbours. You are to take especial care that God Almighty be devoutly and duly served throughout your Government, the Book of Common Prayer, as by Law established, read each Sunday and Holy Day, and the Blessed Sacrament administered, according to the rites of the Church of England, and the Churches well and orderly kept, and that more be built as the Colony shall by God's blessing be improved, and that a competent maintenance be assigned to the minister of each orthodox Church, a convenient house be built at the common charge for each minister and a competent proportion of land assigned to him for a glebe. You are to take care that parishes be so limited and settled as you shall find most convenient for the accomplishing of this good

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work. No minister is to be preferred to any benefice without a certificate from the Bishop of London. Any minister giving scandal, either by his doctrine or manners, is to be removed, and his vacancy supplied. You are to give order forthwith, if the same be not already done, that every orthodox Minister be one of the Vestry in his parish, and that no vestry be held without him, except in case of sickness, or that, after notice of a Vestry summoned, he omit to come. You are to acquaint the Bishop of London if any are Preachers without being in due Orders. You are to endeavour with the assistance of the Council that good and sufficient stipends be ascertained unto the Ministers in every parish. And to the end the Ecclesiastical Jurisdiction of the Lord Bishop of London may take place in that Island, so far as conveniently may be, you are to give all countenance and encouragement to the exercise of the same, excepting only the collating to benefices, granting licences for marriages and probate of wills, which H.M. hath reserved to the Governor. No Schoolmaster is to keep school without a licence from the Bishop of London, and your licence. A Table of Marriages is to be hung up in the Churches. You are to punish drunkenness, debauchery, swearing and blasphemy, and admit none to public trusts and employments whose ill-fame and conversation may occasion scandal. You are to suppress the engrossing of commodities, as tending to the prejudice of that freedom, which Commerce and Trade ought to have, and to settle such orders and regulations therein with the advice of the Council, as may be most acceptable to the generality of the inhabitants. You are to encourage merchants, particularly the Royal African Company, and as H.M. is willing to recommend to that Company that the said Island may have a constant and sufficient supply of merchantable negroes at moderate rates, in money or commodities, so you are to take especial care that the payment be duly made, and within a competent time according to their agreement; and also that trade from Jamaica to Africa be according to the Act for settling the Trade to Africa. You are to send an account of negroes yearly supplied, and also of the defects and improvements of the Island. You are to observe the Treaty of Madrid, 1670, and to inform H.M. if any injury be done to his subjects by those of the King of Spain, and not permit or encourage reparations to be made by any other way than is agreed by Treaties. You are particularly not to grant letters of marque or reprisals against any Prince or State in amity with H.M. Appeals from the Courts are to be permitted, in cases where the value exceeds 300*l.* and security is first given to the Governor and Council, wherein such

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of the Council as shall be at that time Judges of the Court from whence such appeal is made, shall not be admitted to sit and vote upon the Appeal, but may be present at the hearing and give the reasons of their judgment. At the hearing of such Appeals any three or more of the Judges of the Supreme Court are to be present. Appeals to H.M. are to be allowed from this Court, provided the value appealed for exceed 500*l.*, and that such Appeal be made within fourteen days after sentence, and that good security be given by the Appellant, as likewise in all cases of fines of 200*l.* and more. You are to endeavour to get a Law past wherein shall be set the value of men's estates, either in goods or lands, under which they shall not be capable of serving as jurors, and also a Law for the restraining of any inhuman severity which by ill Masters or Overseers may be used towards their Christian servants and their slaves, and that provision be made therein that the wilful killing of Indians and Negroes may be punished with death, and that a fit penalty be imposed for the maiming of them. You are also, with the assistance of the Council and Assembly, to find out the best means to facilitate and encourage the conversion of Negroes and Indians to the Christian Religion. You are to recommend to the Council and Assembly the raising of stocks and building of publick work-houses in convenient places for the employing the poor and indigent people. And whereas H.M. is informed that a donation formerly made in St. Andrew's Parish has been diverted from the intended use, H.M. will and pleasure is that you make enquiry concerning the same, and take care that the said donation be rightly applied. You are to propose an Act, whereby the creditors of persons becoming bankrupts in England, and having estates in Jamaica, may be relieved and satisfied for the debts owing to them. All servants that shall come to be transported to the said Island, shall serve their respective Masters for the term of four years from the time of their landing, and every person that shall transport servants thither, shall for each so carried have set to him, upon the landing and employment of the said servants, 30 acres of land to have and to hold to him the said Master, his heirs and assigns for ever, and the said servants shall at the end of the said term have 30 acres of land set out and assigned to every of them respectively, to have and to hold to them and every of them, their heirs and assigns for ever.

You are to take unto yourself as Capt. General and Governor in Chief 2,000*l.* sterling per annum out of H.M. revenue arising within the said Island, as also other fees and perquisites usually accruing and duly received by the Governor in Chief, and you are to pay out

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of H.M. Revenue to the Chief Justice 120*l.* per annum, and to the other Judges and Officers their salaries, and to the Captains that command the Forts 6*s.* per diem, and to the Gunners and Matrosses what has formerly been paid. You are not to come to Europe without H.M. leave, but may go to the Northern Plantations, if your health requires. The Council are to forbear passing any Laws, unless absolutely necessary, when the Government devolves on them. You are empowered to pass a law for maintaining an Agent in England, or may allow voluntary contributions for that purpose to be made, but the amount allowed is not to exceed 300*l.* When any complaint shall be intended against you, notice is to be immediately given you by the complainants, with the charge against you in writing, to the end you may make timely preparation for your defence. You are to assist other Plantations in distress, upon application of their Governors, with what aid you can spare. You are to do anything for the security and advantage of the Island, giving speedy notice thereof, but you are not to declare war without H.M. command. And whereas the Lords Spiritual and Temporal in Parliament, upon consideration of the great abuses practised in the Plantation Trade, have by an humble Address represented to his Majesty the great importance it is of, both to this kingdom and to the Plantations in America, that the many good laws which have been made for the Government of the Plantations, and particularly the Act *for preventing Frauds, etc.*, be strictly observed, you are therefore to take notice that, Whereas notwithstanding the many good laws made from time to time for preventing of frauds in the Plantation Trade, it is nevertheless manifest that very great abuses have been and continue still to be practised to the prejudice of the same, which abuses must needs arise from the insolvency of the persons who are accepted for security, or from the remissness or connivance of such as have been or are Governors in the several Plantations, who ought to take care that those persons who give bonds, should be duly prosecuted in case of non-appearance; his Majesty takes the good of his Plantations and the improvement of the Trade thereof, by a strict and punctual observance of the several laws in force concerning the same, to be of so great importance to the benefit of this his Kingdom and to the advancing of the duties of his Customs here, that if he shall be hereafter informed that at any time there shall be any failure in the due observance of those laws within the foresaid Island, by any wilful fault or neglect on your part, H.M. shall look upon it as a breach of the Trust reposed in you, which he shall punish with the loss of your place in that Government,

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and such further marks of his displeasure as he shall judge reasonable to be inflicted upon you for your offence against His Majesty, in a matter of this consequence, that he now so particularly charges you with. [pp. 193-234.] [*C.O.* 138, 10. pp. 169, 171-234.]

July 16,

648. Minutes of Council of the Massachusetts Bay. Whereas by reason of the Lieut.-Governor, late Chief Justice, and Judge of the Probate, County Suffolke, those offices are become vacant, ordered that on Friday, Aug. 1, a general Council be held for the filling up of those vacancies, and that the Members of the Council absent be notified thereof and desired to be then present.

Ordered that Elisha Hutchinson be Capt. of H.M. Castle on Castle Island, in the room of Capt. John Fayerweather, the present Commander thereof, who is hereby discharged. His Commission and Instructions were drawn up and signed by 15 of the Members of Council present at the Board (*out of* 18), as also was an Order to Capt. Fayerweather to surrender to him the charge of the Castle etc., and a Commission to Nathaniel Holmes, Lieut. of the same Castle, continuing him in that place.

Abigail Wentworth, late Goffe, executrix of her husband, Christopher Goffe, late of Boston, mariner, presented an accompt of her administration and made oath unto ye same.

Capt. Josias Crowe, H.M.S. *Arundel*, making known to the Board that by reason of death and desertion, he wants eleven men to complete the number appointed for his ship, a warrant to Mr. Sheriff Gookin for the impressing said number of men was signed. [*C.O.* 5, 788. pp. 69, 70.]

July 16,

649. Minutes of Council and Assembly of New Hampshire. Petition of Benjamin Shaw, on behalf of his son, Roger Shaw, was read and on file.

Ordered that Benjamin Fifeild and Thomas Roby attend tomorrow and bring with them their accounts, how and to whom they paid the publick money, which they had warrants to collect according to Act of Assembly, in order to adjusting accounts with the Treasurer.

An Additional Act to the Law Title Marriages (*sic*) was read.

The Representatives sent up to pray the Board to consider of the former proposealls about settlement of Townships and Town-Bounds.

July 17,

The Lieut.-Governor read a letter from Isaac Addington, Boston, June ultimo, 1701, relating to the laying of impositions of tunnage etc. upon open vessels trading betwixt that Government and this, which was sent down to the Representatives. The Representatives sent up a proposal to repeal a former Law about small vessels paying tunnage and other duties, trading betwixt the Massachusetts Government and this Government.

Benjamin Fifeild and Thomas Roby appeared, and being examined what sums they were in arrear, were ordered to pay the same to the Treasurer in a week's time.

Petition of Benja. Shaw was read again, relating to money

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due to his son for work at the Fort at Newcastle. It was found that he, Benjamin Shaw, was paid for what was due by Constable Roby of Hampton.

4l. 8s. 5d. paid to the Lieut.-Governor, William Partridge, for sundries owing him by the Province.

William Cotton's account, Feb., 1699, to Sept., 1700, for riding etc., about Province business was read, amounting to 3l., allowed but 2l. 10s. thereof.

John Hinkes was ordered to be paid 78l. 6s. 3d. out of the next Province rate for the service of himself and soldiers at Fort William and Mary, May 17, 1700—May 17, 1701.

Saml. Comfort's account paid for oars for the Fort boat. [C.O. 5, 789. pp. 43-46.]

July 17.
Whitehall.

650. Order of Lords Justices in Council, approving of the preceding Commission, July 16, with alteration of *according to law* instead of *according to the law of arms*, and ordering Mr. Secretary Vernon to prepare a warrant for their Excellencies' signature. Signed, John Povey. Endorsed, Recd. 22nd, Read July 23, 1701. $\frac{3}{4}$ p. [C.O. 37, 5. No. 40; and 138, 10. p. 170.]

July 17.
Whitehall.

651. Mr. Yard to the Council of Trade and Plantations. The enclosed petition and address from the inhabitants of East and West New Jersey having been laid before the Lords Justices, their Excellencies desire you to report what you judge proper to be done. Signed, R. Yard. Endorsed, Recd. Read July 18, 1701. 1 p. Enclosed,

651. i. Petition of the Inhabitants of East New Jersey to the King. Col. Hamilton, appointed by the Proprietors, but not having your Majesty's approbation, has assumed the Government, and by force of arms holds Courts to the great terrour of your Majesty's good subjects, and has pressed sundry persons to his assistance therein, some of whom he has imprisoned and fined for no other cause but for refusing obedience to his illegal authority, commanding them to take up arms against their peaceable neighbours. We labouring under these and many other grievances and oppressions by the Proprietor (*sic*), humbly implore your Majesty to command the Proprietors (if the right of Government is invested in them) that with your Majesty's Royal approbation they commissionate for Governor a fit person qualified according to law, who as an indifferent judge may decide the controversies arising between the Proprietors and the Inhabitants, and settle all the differences which at present they labour under. Or if otherwise your Majesty be graciously pleased to take the Government immediately into your own hands, we humbly pray that East and West New Jerseys may be one distinct Government. 125 Signatures. 4 pp.

651. ii. Humble Address of Inhabitants of West New Jersey to the King. We have for many years inhabited your

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Majesty's Colony, where with great hazards, toyle and fatigues, we have been endeavouring ye maintenance of ourselves and poor families, and have with all cheerfulness manifested our Loyalty to your Majesty, tho' under a Proprietary Government, where we have long been harrassed by the arbitrary proceedings of those who have held the reins of Government over us, and are now grown so headstrong and insolent that they would submit to no authority, unless they could sway them to their own particular interests, as hath been plainly evidenced by their behaviours under ye late administration of Jeremy Basse, wherein it might be thought incredible (especially for a people who have profest themselves innocents) to relate not only their continued affronts and unsufferable provocations, both towards himself and those who by commission under him endeavoured the conservation of the Peace, according to your Majesty's laws; yet such were ye inveteracy of that sort of people, that notwithstanding all his candid endeavours, when the Magistrates, who were by him comissionated, appeared at the Court House to hold a Court, they were not only kept out, but also with violence set upon, assaulted, beat and some wounded by a riotous number of Quakers and others their adherents. Upon complaint whereof Gov. Bass went in person to the place, and in opposition to him the Quakers with many others by their means with colours, drums and arms, were gathered together, who with high menaces declared their cruell intentions, if he came there, whereupon he called several sober persons to go along with him as a guard to defend him from their violence, and came to the Court House door, where the aforesaid riotous crew were gathered together, but had then hid their arms, but instead thereof many of them had furnished themselves with formidable clubs to hinder him entering into the Court House, which they kept lockt up, and refused upon his peaceable demand to open, whereupon at his order it was forced open and the heads of the same Rioters at the same Court presented. Since which time, Col. Bass being superceded by a Commission to Col. Hamilton, the same Rioters instead of being called to Justice, are many of them advanced, some of them being chosen of the Governor's Council, Assembly Men, and others made Justices, and all offices in their hands, so as those who peaceably submitted to the preceding Government, were greatly menaced, and some presented and sued at their Courts for their due discharge of their duty, and of late under the present administration, the Representatives having lessened the Countrye's number thereof to one half, have laid a prodigious tax (with respect to our present indigencies) which tho'

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they call moderate, yet it's so high as there has never been the like since this was a Colony, and the inhabitants mostly suppose the sum it will amount to is not at this time in the Province, neither do the inhabitants know what use they intend it for, save only some of them have given it out that they would raise a summe of money to wage Law (*sic*) with your Majesty for the Government, which they would make us pay. We, therefore, humbly conceiving that Assemblies here can make no Law or lay taxes upon your Majesty's loyal subjects, which the Governor can give a sanction to, unless he had obtained your Majesty's approbation as Governor, conceive they have not power to take away ye countries former privileges, or impose such heavy taxes upon us, and although we exceed the Quakers Parties in numbers, yet by their close contrivances at their pretended monthly, quarterly and yearly religious meetings, they outdo us in elections, by giving out to others who are simple, and also as covetously inclined as themselves, that if they vote not against us, and get an Assembly of their own choice, we shall bring in the Black Coats, or Priests (as they call them), and a Militia (which indeed we have not, but lye naked to all enemies). Yet nevertheless the country finding they would not admit of the number of Representatives which by Law has been appointed, we were also elected to make up the former number, and accordingly met the other part of the Representatives at the time and place appointed, but were refused and rejected from offering our advice with them, which we proposed for the Peace and Tranquility of the Colony, so that we still lye naked and open to all their unreasonable impositions, which tho' we have been long sufferers under, we should like poor Issacers have still bowed our backs to bear rather than to have presumed at this juncture to crowd our complaints into your Majesty's audience, had we not been informed that the other part of the Representatives, who lord it over us, are sending an Address to your Majesty, the purpose whereof we being strangers to. We implore your Majesty's protection, that we may be under such Governor as shall more directly act under your Majesty's Commission which we hope will calm and screen us from the rage and insolencies of those who otherwise will never be satisfied without trampling upon us. *Signed*, Tho. Revell, Nat. Westland, Jn. Holme, Tho. Killingworth, Jos. Adams, Oba. Holmes, Tim. Brookes, Ralph Hunt, Mat. Allen, Wm. Bude, Ant. Elton, Rich. Finimore, Rob. Wheeler, Geo. Tayler, Shamgar Hand, Jn. Shaw, Jn. Rudderow, John Jewell, Collector and Surveyor. Burlington, May 16, 1701, 4 pp. [*C.O.* 5, 1261. Nos. 9, 9.i., ii.; and 5, 1289, pp. 112-129.]

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July 18,
Nevis.

652. Lieut.-Governor Elrington to the Council of Trade and Plantations. General Codrington has bin informed that one Mr. Mead is goan to England to lay severall complaints against him before your Lordships, and for his justification he lately sent me a letter to call the Council and Assembly of this Island, to certifie whether he has deserved all such complaints, which letter, as well as the certificates signed by every Member, Councell and Assembly both, I enclose, where the impudence and malice of Mr. Mead may be plainly seen, with submission to your Lordships for using the expression. Mr. Mead was one of the Jacobite party, as it was called lately in this Island, at the time that Col. Gardner was Lieut.-Governor, and was present when Sir William Stapleton drew his sword against the said Lieut.-Governor and thrust at him several times, but was prevented by som Gentlemen that stood by from doing each other mischief. Mr. Mead som time after came very gravely to Col. Gardner and desired him not to be under any concern for that their party should doe him no harm. It is most certain that Mr. Mead has don more irregular things than any man in the Government, and has indevoured to corrupt the people, and to give Laws to his Superiors in these parts. *Signed, R. Elrington. Endorsed, Recd. 15th, Read Sept. 16, 1701. Addressed. 2 pp. Enclosed,*

652. i. Governor Codrington to Gov. Elrington. Antigua, July 4, 1701. Look you, Honest Roger, I despise Mr. Mead so heartily yt. I neither care whither he is gone, nor what his bisnes is, as he is much fitter for his original occupation of selling punch than managing the King's Customes, so he is much more worthy of footman's cudgel than a gentleman's resentment. When the Lords transmit his complaints to me, I'm prepared to answer them to his confusion and my own honour; in ye mean time, because he'l have the first word, and make a noise before I can be heard, I desire you'l call ye Council and Assembly, and if they think I have behaved myself with justice and have sought the publick good sincerely, and not my own advantages, I desire they will say so, if not, let truth prevail and me be shamed. If a Governor must see all the injustice and oppression imaginable, and not dare interpose for fear of a complaint from such a scoundrel as Mr. Mead, I am not fit to be Governor here, and they must ev'n send from home a Tom Turd or a Tom Fool, or a Coll. Holt, or any other wretch fit to be bribed or aw'd by such an over-grown raskall as Mr. Mead. I'm sure, I am so little fond of the Government, yt. if I thought they would make yourself or Col. Williams, Col. Mathews or Col. Fox, or any honest gentleman Chief Governor here, I would quit to-morrow. I desire when the General Assembly of Nevis have said what they think themselves obliged to in honour, without any partiality, yt. you would transmit home to ye Lords, both their representation and this letter. I alwais speak as I think, and will

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alwise justify al I say and what I doe. *Signed*, Chr. Codrington. *Addressed*. *Holograph*. 2½ pp.

652. ii. Representation of the Representatives of Nevis. Nevis, July 9, 1701. In testimony of the justice and integrity of Governor Codrington. *Signed*, John Ward, Speaker, Tho. Goare, Sam. Gardner, Robert Lorey, Tho. Belman, Jno. Hanley, Joseph Symonds, Tho. Minor, John Choppin, Sam. Clarke, Thomas Butler, Tho. Bridgwater, Michl. Williams, William Chezus, Wm. Child. 1 p.

652. iii. Representation of Council of Nevis, Charles Town, July 9, 1701. In testimony of the excellence of Col. Codrington as a just and impartial Governor. He hath caused good Laws to be made and the laws to be put in general, used all means of putting the Islands in a due posture of defence, and bin himself present at each Island. *Signed*, R. Elrington, Wm. Burt, Dan. Smith, Jno. Smargin, Richd. Abbott, Wm. Butler, J. Bevon, Aza Pinney, Wm. Ling. 1 p. [*C.O.* 152, 4. Nos. 38, 38.i-iii.; and 153, 7. pp. 229, 230.]

July 18.
Whitehall.

653. Journal of Council of Trade and Plantations. Capt. Delaval, who is now going to Barbary to finish the redemption of the captives, enquiring whether their Lordships are ready to report upon the project of a Treaty with Morocco, and the merchants who had been sent for upon that occasion not having yet attended, ordered that they be again summoned for Tuesday next.

Letter from Mr. Yard, July 17, with copies of a Petition and an Address from the Proprietors [*sic*] of East and West New Jersey, read. Ordered that Mr. Lewis Morris, a gentleman lately come from those parts, have notice to attend.

Brigadier Selwyn offered several things to their Lordships' consideration relating to Jamaica and to his Instructions, but promised to lay a particular Memorial thereof before the Board in writing.

Draught of letters to the Governors of Maryland and Virginia agreed upon. [*Board of Trade*. Journal, 14. pp. 110, 111.]

July 18.

654. Minutes of Council and Assembly of New Hampshire. Petition of Major Wm. Vaughan, Recorder, was read relating to a complaint exhibited against him to the House of Representatives by Samll. Penhallow and Saml. Keais for refusing to give them a deed of gift given him to record *etc.* Ordered that he be allowed a hearing before the Lieut.-Governor and Council, as he desires, and that time be given him to make his answer till to-morrow.

Vote sent up by the Representatives that for time to come the Clerk of the Assembly, and in his absence the Clerk *pro tempore* shall be allowed 18*d.* per diem for his writing and finding paper, *etc.*, read.

Vote sent up by the Representatives that, to prevent any difference that may arise concerning the bounds of the towns,

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the House prays that the said bounds be ascertained as near as may be according to the former settlement, and that such land lying between Portsmouth and Exeter as hath not hitherto been within any town, may be now laid out to some next most convenient town or towns, as shall be thought most meet, and this to be enacted into a law for the sure confirmation thereof.

Vote sent up from the Representatives that a Committee be appointed to copy out such Laws as hath formerly been passed in this Province, which shall be thought needfull against next sessions of this House, in order to be printed.

Vote sent up that an Act be passed that no shopkeeper be permitted to keep a public house nor retail any manner of strong drink, and that from this day they shall be allowed three months and no longer to sell what they have laid in, notwithstanding any Law, Usage or Custome to the contrary. Read and passed.

An Order for the better settlement of the Bounds between Portsmouth, Hampton and Exeter (*as above*) was read. Copy ordered to be sent to those towns.

July 19. Petition of Nathaniel Ayres, relating to a case depending between him and Abraham Clements, was read again and granted. Ordered that the Secretary issue forth a *supersed(e)as* to stop ye execution against Nathaniel Ayres.

Major Vaughan delivered his answer, as ordered July 18. Ordered that the original deed of gift mentioned in the complaint, remain in Major Vaughan's hand, and that the said Vaughan as Recorder if said deed be not already recorded, forthwith record the same and give attested copies to the complainants or any other person concerned, when regularly demanded of him.

Referring to the vote of the Representatives, July 17, for repealing the Law about small vessels paying duty trading between the Massachusetts Government and this, and because the Act is near expiring, ordered that the Treasurer or Collector of the duty doe hereafter forbear the demanding or receiving any such duty more then what was accustomary before said Act was made.

Major Wm. Vaughan took the oath of Recorder.

Ordered that James Banker, Dover; Jeremiah Gillman and Andr. Wiggins, junr., Exeter; and Joshua Peirce, who were Constables in 1698, appear and bring their accounts.

6*l*. ordered to be paid to Richard Jose for extraordinary service to the Province.

Vote of the Representatives sent up, that one of the Members of this House belonging to Hampton having by his misdemeanour, contrary to the Orders of the House, occasioned his dismissal from the House, the others belonging to Hampton humbly pray the vacancy may be made up. Writ ordered to issue accordingly. [*C.O.* 5, 789. *pp.* 49-59.]

July 19.
New
Providence.

655. Governor Haskett to the Council of Trade and Plantations. With humble submission may this returne your Lordships my hearty thanks for the honour done me by your recommendation to his Majesty, for whose honour and interest I would willingly spend both life and estate. *Describes the Island of Providence.*

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The fruits are oranges, lemons, pines and grapes in abundance, pumgranetts and several other sorts of fruit, which are common in the West Indies. Here is a great plenty of good fish, and turtle all the year long. The land produceth sugar canes much larger than any in the West Indies, and here are several plantations now planted with them. Cotton-wool, indico and ginger are very plentifully produced here, and all other roots that are common in America. Here are in the town of Providence about 300 houses little and great and familys proportionable in number to the houses; here is a church that will hold 1,000 people, built by the Inhabitants, tho' very few resort to it, and a Fort of 32 guns, built by the Lords Proprietors, as well built as any in the West Indies of its bigness.

Here are two sorts of people, the best sort are of an uneasy and a factious temper, drove out of Jamaica, Barbados, New England and such like places, who neither believe that they ought to be subject to the power of God or the commands of the King, not scrupling to do all manner of villany to mankind, and will justifie and defend others which have done the like. The other sort are Malaiters or halfe negroes, which the better sort value mightily, for their goeing out in sloops and cruseing (as they call it) to search for wracks, and if they miss finding any they are sure to make one before they return again, as happened about six months before my arrival (*viz.*), a French ship from Spaniola loaden with fustick, indico, sugar and some money bound for France, happened to run ashoar on one of the Bahama Islands without staveing the ship or damnefieg much sugar, at which time one of these sloops went out and mett the ship ashoar with about 10 men in her, soe they betakes themselves to plunder her, and gave the ship's men a small boat with some provisions, and sends them back to Spaniola againe, as the Sloop-Master and some others reported; when soe done brings the ship's goods for Providence, which was about 2,000*l.* worth, and appraised the same for about 700*l.* or 800*l.*, when done devides the same between four or five of the greatest villians that ever the world bread, the Deputy Governor and the Collector having their parts. Two of the confederates not having their shares gave me this information of the barbarous action, on which I sent a small sloop to look or hear after the men, who brought me word that they saw five men dead on a little land about six miles from the Island where the ship was. I believe they were all murdered for the sake of their rich cargo. Some men concerned I have imprisoned, and others obliged to give good security, until I know your Lordships' pleasure, for all I write I can sufficiently prove here. As for the Collector, Mr. Graves, he hath several times offered me bribes both in gold and in goods, but I refused all on that score, valling a good reputation with your Lordships beyond all the people can give me. I very much fear my not siding with them, and punishing their unjust actions may cause them to serve me as the Spaniards did one of the Governors of this place, which was to rost him alive, and cannot as yet foresee how I shall defend myself in the just execution of my office from their insults, unless your Lordships and the Lords Proprietors

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intercede with his Majesty for the appointing of about thirty souldiers with an officer for this place, the which will be of great service to the King and Lords Proprietors, thereby securing the Fort and a just Government, and for their pay and passage by way of New England or Carolina I will take care all charges shall be paid out of the public stock, and that they shall be paid after their arrival here every three months. *Signed*, Elias Haskett. *Endorsed*, Reed. 7th, Read October 9, 1701. 2 pp. [*C.O.* 5, 1261. No. 11; and 5, 1289. pp. 260-265.]

July 19. **656.** Minutes of Council in Assembly of Jamaica. H.E. sent a message to the House, requiring the Minutes of the House to be laid before him. Answer returned that they should be on Monday. [*C.O.* 140, 6. pp. 384, 385.]

July 21. **657.** Journal of Assembly of Bermuda. Two members of the House were granted leave to depart.

July 22. The Committee of Grievances brought into the House the following report, with the attestations proving the same; which was ordered to be transcribed in order to be presented to the Governor in Council:—For the redress of great evils and mischiefs, and of the chief cause thereof, which these Islands have for a considerable time suffered, both under ye Government of John Goddard and also the late Governor, Samuel Day, and to the great dishonour [*sic*] of His Majesty and the good and welfare of H.M. subjects, the Members of this Assembly do by this Bill shew and declare against Gilbert Nelson, late Chief Judge and Justice of all or most Courts, and one of the Council in these Islands, the following misdemeanours, crimes and offences:—(1) He endeavoured to alter and overthrow the fundamental constitutions of the Government by publicly asserting that the Governor may make a decree in Chancery, not only without, but against the advice and consent of the Council. (2) Expressly contrary to Magna Charta and other the fundamental Laws, he did assume to himself a power (when a Magistrate in these Islands) to fine and imprison the King's subjects without trial by jury. (3) When a Judge, he was frequently guilty of bribery, and particularly in the cases of Robert White, Lewis Johnson, George Tucker, etc. (4) He did frequently advise in law suits that were to come before him as a Judge and Councillor, expressly contrary to the oath of a Judge or Justice. (5) He hath sent his warrants for several persons to be brought before him, who have been immediately sent to prison, without any examination or proof of a crime committed by them. (6) He hath frequently sent out his warrants for several of H.M. good subjects for pretended crimes, etc., and hath committed them to prison, where they have been detained a considerable time, to their great charge and damage, and who have been bound over purely to vex and molest them; for whenever they have come to trial, they have constantly been acquitted, or that the prosecution hath ceased, for want of matter against them. (7) He hath obliged Mr. John Dickinson to pay unreasonable fees for several of his warrants, which never have been served on him. (8) He hath very often bound to the[ir] good behaviour

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several of the principal inhabitants, without any just cause. (9) He hath imposed unreasonable securities, particularly in the case of Col. Anthony White, who could not be bailed from his imprisonment except Mr. Charles Walker and Mr. John Dickinson be his sureties, when at the same time several of the principal estated men offered themselves, but were refused. Dickinson's name was already entered in the Secretary's Office in order to publishing his being bound out of these Islands to England, and not being willing to see his father-in-law, Col. White, lie in prison, chose rather to put by his voyage, and was bail. (10) After Mr. Randolph was bailed out of prison, Nelson immediately committed him to prison again for the same fact. (11) When Mr. Randolph was brought to his trial at the Quarter Sessions, where Nelson sat as Chief upon the Bench, and the Bill exhibited against Randolph was found by the Grand Inquest, whereupon Randolph desired a copy of the indictment and time to travarse the matter he stood charged with, he having been about nine weeks before closely confined and consequently not fitted for his defence, but notwithstanding most of the Justices upon the Bench were willing to allow thereof, the Judge Nelson together with Governor Day over-ruled the Court, and compelled him to trial, and would not suffer him, nor any other person, to speak or produce any papers in his behalf, and threatened to lay Mr. Spofferth by the heels for offering to speak for the said Randolph. (12) Nelson hath sent for and imprisoned (without any examination) several persons for their complaining to the Governor, and charging him, Nelson, with bribery, which they were ready to prove against him. (13) He hath sent for and imprisoned Mr. Saml. Spofferth for some pretended matters, and also denyed to take bayle, though tendered, except he would first acknowledge himself guilty of what he charged him with.

The General Assembly pray his Excellency in Council to order Gilbert Nelson to be taken into custody in order to his trial, and that he be declared and entered upon record as a person absolutely unfit ever hereafter to bear any office or to plead in any Court whatsoever in these Islands, or ever be admitted as an evidence, unless he can fairly discharge himself of the said crimes.

An Act, to prevent the evading of payment of just debts and satisfaction of damages, ordered to be engrossed and sent up.

Act for a present to H.E. passed.

July 23.

The Committee of Grievances reported that the ground whereon stands the House commonly called Mr. Day's house was never put to any other use than purely for the use and service of succeeding Governors. The House voted that this plot is the possession of the King, and cannot be alienated without the joint concurrence of the Lieut.-Governor and Assembly by an Act of Assembly. This vote sent up, with a prayer that an order be made for the immediate vesting of the Lieut.-Governor in the actual possession of the said House and ground to the use of H.M. [*C.O.* 40, 2. *pp.* 266-274.]

July 22.

658. Minutes of Council of Bermuda. An Address from the Assembly to make a present to H.E. and Lady. Ordered that the

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accounts of Edward Jones be produced, and copies thereof were produced and read, but this board esteeming them too general ordered that Jones do forthwith render unto this Board a true and particular rental of all publick rents received as Provost Marshal as to the tenants, quantity of land and what rent paid for each particular holding, an account of the soldiers guarding at the Castle and Forts, what they receive and when entered into pay; of what each Justice of the Peace at every respective Quarter Sessions receive; what fines and a particular account of all receipts and disbursements since the said Jones had been Provost Marshall, all in writing fairly entered. Mr. Jones was served with this order, and replied that it was of great difficulty for him so to do.

A Message was sent to Col. Day, who promised to wait on H.E. to-morrow.

July 23. Col. Day returned an account of duty to be paid (*entered*).

An Act to prevent the evading of just debts, was passed and ordered to be published.

July 24. On reading the vote of Assembly and the report of the Committee of Grievances, and the several depositions about the ground whereon Col. Day's house in St. George is built and standing, ordered that all care shall be taken for a due and regular prosecution in this matter. The accusation and impeachment of the General Assembly against Gilbert Nelson, late the Chief Judge and Justice of these Islands, was read.

July 25. The Committee of Assembly moved for leave to adjourn the House till September 2.

Attorney General ordered to make prosecution for trial of H.M. title to the House lately erected by Samuel Day on H.M. ground in St. George's. [*C.O.* 40, 2. *pp.* 40, 41.]

July 22. 659. Extract of an Act lately past in Carolina, relating to the currency and rate of several coins there. *Endorsed*, Delivered to the Board by Mr. Micajah Perry. *Recd.* Read July 22, 1701. 2 *pp.* [*C.O.* 5, 1261. *No.* 12.]

July 22. 660. William Popple to Mr. Thornburgh Complaint having
Whitehall. been made to the Council of Trade and Plantations that by a late Act passed in Carolina for heightning of the coin there, those that have debts standing out in that country are absolutely defrauded of 30 per cent. of their dues, their Lordships have commanded me to send you this enclosed extract of the said Act, which has been laid before them, that you may knowe what the Lords Proprietors of Carolina have to say upon it, and accordingly acquaint me therewith, for the information of this Board. [*C.O.* 5, 1289. *pp.* 130, 131.]

July 22. 661. Council of Trade and Plantations to Governor Nicholson.
Whitehall. The irregularities and misdemeanours that have been long practised in H.M. Plantations under Propriety and Charter Governments, to the prejudice of Trade and of other Plantations under Governors appointed by H.M. immediate Commission, as likewise to the

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prejudice of H.M. Revenue arising from the Customes here, and the small effect we have found of our applications to the respective Governours of those Proprietary Plantations for the redressing such matters, having obliged us the last winter to represent the same to H.M., and it having been thereupon thought that the remedy of those evils is not any other way so well attainable as by the Legislative Power of this Kingdom, a Bill was accordingly brought into the House of Lords for re-uniting the Government of those Plantations to the Crown, and putting them into the same state and dependency as H.M. other Plantations aforementioned, without prejudice to any man's particular property and freehold. But that Bill, by reason of the shortness of time and multiplicity of other business not having passed into an Act, and it being very probable that the same matter may again come under consideration the next Session of Parliament, we have thought fit to desire, and do accordingly hereby desire and direct you to get the best information you can relating to the conduct of Proprietary Governors and Governments upon the several heads of observations that have been made of their undue proceedings, whereof we send you a copy here inclosed, and upon such other heads as you judge proper to give a true light into the state of those Plantations (more especially in relation to Carolina and the Bahama Islands) and to transmit unto us the most authentick and most particular proofs that you can procure of the truth of those matters, with all possible diligence *Signed, Stamford, Ph. Meadows, Abr. Hill, Mat. Prior. Annored,*

661. i. Observations [by the Council of Trade and Plantations] relating to the Proprietary Governments in America.

The Governors of the Propriety and Charter Governments are generally not qualified by taking the oaths required by law, nor have they H.M. approbation according to the Acts of Trade, and more particularly the late Act for preventing frauds and regulating abuses in the Plantation Trade. They have assumed to themselves a power to make laws contrary and repugnant to the Laws of England, and prejudicial to our Trade. Some of them have refused to send hither such laws as they enact, some neglect to do it, and others have sent their laws but very imperfect. Divers of them have refused appeals to H.M. in Council, by which the inhabitants of those Colonies are deprived of the benefit allowed in the Plantations under H.M. Government, and the parties agrieved are left without remedy from the arbitrary and illegal proceedings of their Courts. Those Proprietary Colonies are the ordinary refuge and retreat of pirates, and illegal traders. By raising and lowering their coin from time to time (as may be for their particular advantage), they prejudice other Colonies in drawing away their money, and likewise draw away their servants and people, and harbour fugitives. They apply themselves to improvement of woollen manufactures and other manufactures and products of England, which

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they carry directly to foreign parts, and more especially to the Spanish Indies, and they furnish themselves from foreign parts with all sorts of European commodities to the great prejudice of the interest of this kingdom. They do not put themselves in a state of defence by having any regular Militia, arms or ammunition. Some of them are in a state of anarchy and confusion. [*C.O.* 5, 1360. pp. 86-90.]

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662. Council of Trade and Plantations to Governor Blakiston. *Similar letter to preceding, with the exception that the Governor is requested in the last paragraph to give information "more especially in relation to Maryland whilst it was under Governours appointed by the Proprietor, and to Pennsylvania and the Jerseys, which lye nearest thereunto."* Signed, Stamford, Ph. Meadows, Abr. Hill, Mat. Prior. *Annexed,*

662. i. Abstract of Representation upon the Proprietary Governments. (*See above, 661.i.*) [*C.O.* 5, 726. pp. 86-90.]

July 22.

663. Journal of Council of Trade and Plantations. Letters to the Governors of Maryland and Virginia signed. Mr. Lewis Morris attending and being shewn the Petition and Addresses (July 17), acquainted their Lordships that the persons who have signed the same are generally men of the least consideration in those Provinces, and offered, if he might have copies thereof, to return a particular answer to the facts therein mentioned. He said also that, since his coming over, he has discoursed with the Proprietors of East New Jersey, and was to meet with those of West New Jersey, and that he was endeavouring to dispose them to surrender their Governments to the King. Ordered that copies be given him of the foresaid Petition and Address, and that he lay before the Board a Memorial of the State of those Provinces, as soon as he can.

Mr. Micajah Perry presented an Extract of an Act lately past in Carolina. Copy ordered to be sent to Mr. Thornburgh, that he may acquaint the Board what the Lords Proprietors have to say.

Mr. Samuel Nash, together with Capt. Delaval, attending the Board in relation to the project of a Treaty with the Emperor of Morocco, declared his opinion that there is no great dependance to be made upon that Prince's keeping any Treaty longer than he shall find his advantage in it, yet such a Treaty with him may be depended upon as much as with any other Prince in Barbary, and that therefore he thought it adviseable in the present conjuncture to treat. Whereupon the draught being read, a copy of the third article was given him for some particular considerations upon it, and several notes were taken in order to a Representation upon the whole.

July 23.

Their Lordships now taking into consideration the names of persons to fill up the Council of New York in the Lord Cornbury's Instructions, and Mr. Champante having intimated that the present Council of New York has desired him to propose to this Board the names of four persons whom they thought fit for that service, he communicated their letter, March 11. And upon consideration of that matter [*? resolved*] that the name of Col. Romer be in the first

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place added to those that are in already, and that the remaining vacancies be supplied out of the persons now recommended, if there do not arise any material objections against them.

A Memorial from Brigadier Selwyn relating to Jamaica read. Directions thereupon given for preparing a Representation upon that part of it which concerns Forts and Stores of War, the remaining part being referr'd to be considered amongst other heads in the draught of his Instructions.

Order of Council, July 17, read.

Mr. Cobb, the Solicitor, desiring to know their Lordships' resolution upon the petition of Mr. Mead for changing his rank in the Council of St. Christopher's, was told that the Board did not intend Mr. Mead any disrespect, but the rank of that Council having been settled by Col. Codrington's Instructions, upon the best Memorials that could be procured when they were prepared, the same cou'd not now be altered.

July 24. Representation upon Brigadier Selwyn's Memorial, relating to fortifications and stores in and for Jamaica, was signed.

Mr. Nash having made his remarks on the 3rd Article of the Treaty with Morocco, directions were given for several alterations and notes to be made upon that project, and a Representation was signed, wherewith to lay the same before their Excellencies, the Lords Justices.

Two Letters from Lieut.-Governor Bennet, May 19 and June 9, read, with papers enclosed. Ordered that a paragraph in the last of those letters be sent to Mr. Sansom, for the opinion of the Commissioners of the Customs.

Mr. Meers at the same time having been informed by his correspondent of Bermuda of the Bond and Petition of Mr. Day's sureties referred to therein, and desiring copies thereof, copies ordered to be given him. [*Board of Trade. Journal, 14. pp. 112-120.*]

July 22. 664. Minutes of Council in Assembly of Jamaica. The writ and return of John Abraham, a member chosen for the parish of St. Ann's in the room of George Joy, who being likewise chosen in, made his election to stand for Vere, was sent to the House. He was sworn accordingly. The Minutes of Assembly were delivered to H.E.

A letter was produced to the Board which was sent from William Grantham, servant to the Messenger of the Assembly, directed for H.M. service to Henry Berry, Marshall at Kingston, wherein was enclosed two copies of the Resolve and Order of the Assembly of the 8th inst. about quartering soldiers, directing to publish it by beat of drum. William Grantham was summoned to attend and made the following deposition — "On July 9 I received from my master, Mr. Edward Daniell, by the hands of Mr. Samuall Adey, three votes of the Assembly. Mr. Adey told me it was my Master's Orders that I should publish one of them by beat of drum at Port Royal, and when I had so done to affix it at the Coffee House at Port Royal, and to dispatch the other two to Henry Berry, Martiall at Kingston," etc. Mr. Adey deposed to receiving the letters and message from Mr. Daniell.

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July 23. The Assembly desired leave to Inspect the Journal of the Council.

July 24. Before the Council met, H.E. sent a message to the House that if they would appoint a Committee and by them assign what part of the Journal of the Council the House desired to inspect, it should be shewn to them, and they might have a copy if they pleased. [*C.O.* 140, 6. *pp.* 385-388.]

July 23. **665.** Minutes of Council of the Massachusetts Bay. Upon a motion from the Committee for directing the laying out the money granted towards fortifying Castle Island, a warrant was signed to the Sheriffs of Suffolk and Middlesex Counties requiring them in H.M. name from time to time to impress such and so many workmen and materials as the said Committee or any of them shall informe are wanted and necessary for the speedy repairing and making new fortifications on the said Island, the said Committee paying such workmen for their labour, and for such materials what may be the value thereof, according to the usual and accustomed rates and prices here given for the like, or according to any contract made or to be made with them by the Committee.

Memorials referring to the works and fortifications now in hand and making on Castle Island, presented by Col. Romer, was read.

Probate granted on the will of Lieut.-Governor Stoughton, late of Dorchester, to William Tailer, and other the Executors therein named. [*C.O.* 5, 788. *pp.* 70, 71.]

July 23. **666.** Brigadier Selwyn to the Council of Trade and Plantations. (1) For increasing the number of white men, I desire it may be an Instruction strictly to put that Law in execution, which obliges all Planters to keep one white man for every ten negroes. (2) In case of sickness that I be allowed to go to the Northern Plantations without staying to write home for leave. (3) Whereas one Sir James Castile, a Papist and a Spaniard, is possessed of a Fort situated upon an important pass in Jamaica, I desire it may be an Instruction either to garrison, or demolish it. (4) Whereas the present fortifications are neither sufficient or in repair, it will be absolutely necessary to erect new (which may be done at the charge of the Island) I desire two of H.M. Engineers may be ordered for that service, and that Capt. Lilly may be one of them, he having been twice in that country, and has made a good map of the Island and plans of forts in the most necessary places. (5) Whereas I am well informed that the Militia are ill armed, I desire 2,000 muskets, and carbines for 400 horse, with two gunsmiths to mend their arms, which may be otherwise useless, with a sufficient quantity of powder, ball, flints and what else may be thought necessary by the Board of Ordnance. (6) It will be absolutely necessary for the preservation of the soldiers' lives, in case of an invasion, to have one tent for every four men, not only for the troops that shall be sent, but also for the Militia, both horse and foot, and for want of tents ready made (cloth being allowed) care shall be taken for the making them. (7) A small train of Artillery, at least twelve field pieces, with gunners

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and all other appurtenances, is absolutely necessary. (8) It is humbly recommended to your Lordships' care to move H.E. to make draughts for recruits, as often as it shall be necessary, which I will not fail to represent with all other things for H.M. service. *Signed*, W. Selwyn. *Endorsed*, Reed. July 23, 1701. 1 $\frac{1}{4}$ pp. [*C.O.* 137, 5. No. 41; and 138, 10. pp. 234-236.]

July 24.
Whitehall.

667. Council of Trade and Plantations to the Lords Justices. Laying before them an extract, relating to stores of war and fortifications of Jamaica, from preceding Memorial, "Whereupon we humbly represent that tho' the inhabitants of Jamaica are able in good measure to provide for their own defence, and have several times raised sums of money towards the charge thereof, yet in the present conjuncture and upon the sending over a new Governor to reside amongst them, we humbly conceive it may be for H.M. service that some assistance be also sent them from hence. We are of opinion that small arms are what they least want, their Act for settling the Militia requiring them to be constantly provided therewith; if there have been any neglect therein, it may be a proper Instruction to Brigadier Selwyn to take care that it be better executed hereafter. The field-pieces desired by him, together with gunners and other appurtenances, may be very useful, and tents, in case of an invasion, very necessary. The gunsmiths desired seem absolutely necessary. One Engineer at least may be needful in the erecting of fortifications requisite in several places, in relation whereunto we represented to H.M. a state of that Island, January 25 last, and therein offered some proposals made to us by Capt. Lilly, whom Brigadier Selwyn now desires may be sent thither, and who is already well acquainted with the place. Some supply of powder, ball, flints, and what else may be thought necessary by the Board of Ordnance will be acceptable, and an encouragement to the inhabitants to exert themselves more vigorously in their own defence, but we have not any measure whereby to judge of the proportion of these or other stores requisite in the present conjuncture. *Signed*, Stamford, Ph. Meadows, Abr. Hill, Mat. Prior. [*C.O.* 138, 10. pp. 237-240.]

July 24.
Whitehall.

668. William Popple to John Sansom. Enclosing extract from Capt. Bennet's Letter (June 9), relating to matters proper for the cognizance of the Commissioners of H.M. Customs, and enjoining what they think fit to be done thereupon. [*C.O.* 38, 5. pp. 172, 173.]

July 24.

669. Edward Randolph to the Council of Trade and Plantations. *States case of the seizure of the Hopewell in New Hampshire* (See *Cal.* 1699. No. 894. xvii. etc.). Sampson Sheafe, the Deputy Collector, brought several informations, one against goods brought by her from Jersey, they being of the manufacture thereof, and not laden in England, and another against the dying wood and elephant's teeth, brought from Fyal, and not from the place of their growth, and he retained Charles Story, the King's Attorney there, in the said cause. Storey afterwards refused to

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proceed against the said vessel and goods, unless Sheafe would give him 20*l.*, saying he could have so much on the other side. Whereupon Sheafe was forced to send as far as Boston for an Attorney, which cost him 12*l.* When the trial came on, upon the first information, which had been filed in a former Court, but that Court discontinued or adjourned by Order of the Government, the said Information was objected against because of the date of it and stile or title given to the Court, which the Deputy Collector prayed leave to amend, as was usual in such cases, but the Court refused to allow thereof, and dismissed the cause. The Deputy Collector drew up another information of the same tenor, but altered the date and title of the Court, but the Court dismissed that also, because the same had been brought into Court before, with a wrong date and title to the Court, and so finally would not admit of any trial.

To the other information against the dying wood and Elephant's teeth, the Jury found for the Defendant, whereupon the Deputy Collector demanded an appeal to H.M. in Council, and the Court ordered him to give in security to the value of 1,500*l.*, which he promised to do in four or five daies time, and which time the Court allowed him, but within that time took the advantage of his absence in Court, and made the said Appeal null and void, and gave judgment for unreasonable costs against him, and ordered the redelivery of the said vessel and goods, and until he complied, imprisoned him, not allowing him lodging or fire in an extreme cold season. It's humbly hoped this Officer will have redress for those wrongs, and that Col. Dudley may have directions to inquire into and report this matter to your Lordships. *Signed*, E. Randolph. *Endorsed*, Recd. July 26, Read August 13, 1701. 1½ pp. [C.O. 5, 862. No. 71; and 5, 909. pp. 456-459.]

July 24.
Custom
House,
London.

670. Richard Savage to William Popple. Yours of the 11th instant to Mr. Sansom I laid before the Commissioners of Customs. They have perused the last corrected draught of Instructions prepared for the Governor of Bermuda and doe not see cause to alter any part thereof with respect to any Law past since that time, but have now prepared the inclosed Articles, which, upon perusal of Mr. Randolph's papers and discourse with him, they conceive proper to be added to the draught of Instructions now under consideration for the Governor appointed for New York, the Massachusetts Bay and New Hampshire. *Signed*, Richd. Savage. *Endorsed*, Recd. July 26, Read 30, 1701. *Addressed*. 1 p. *Enclosed*,

670. i. Clauses proposed to the Commissioners of Customs to be added to the Instructions to Governors relating to Trade, referred to above. 2½ pp.

670. ii. Copy of a Clause of an Act of Parliament referred to in preceding. 1¼ pp. [Board of Trade. Plantations General, 5. Nos. 100, 100.i, ii; and 36. pp. 10-177.]

July 24.

671. Edward Randolph to the Council of Trade and Plantations. Draught of a letter of directions proposed by him to be

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given to him by the Board. *Signed*, Ed. Randolph. *Endorsed*, Recd. July 26, Read 30, 1701. 1 p. [*Board of Trade*. Plantations General, 5. No. 101.]

July 24. **672.** Journal of Assembly of Bermuda. Joint Committee appointed to confer upon the matter of the Governor's House. (See *Minutes of Council*, July 24. No. 658.)

July 25. Committee appointed to inspect into the waste made of the King's timber.

The Act for Explanation and the amendment of the Act for settling of fees read and sent up.

Ordered that Mr. Gilbert Nelson be prosecuted upon the articles exhibited against him, and desired that H.E. and Council will be pleased to appoint the King's Attorney here to proceed accordingly.

Adjourned till September 2. [*C.O.* 40, 2. pp. 274, 275.]

July 25. **673.** Minutes of Council in Assembly of Jamaica. A Committee was appointed by the Assembly for inspecting that part of the Council's Journal relating to a charge drawne up by the Governor and Council against this Assembly. The Clerk of the Council replied to them that he had orders to let them inspect any day or day's minutes, or any particular part or parts, but not to read the whole Journal, which they seemed to require, there being no such thing as any charge drawn up by the Governor and Council against the Assembly, nor anything of that nature, unless the House thinks such answers as they have received to their messages are so.

Upon motion being made that this Board in regard that the Assembly had spent near five weeks and done nothing, nor taken any care for quartering the soldiers, it was desired that leave might be given (for ye performance of the promise made to H.M. by this Board in conjunction with the Assembly in their address and in pursuance of H.M. directions) that a Bill might be brought in to this Board for immediate quartering of them. Bill accordingly prepared, read and passed the first, second, and third time.

July 26. Bill for quartering soldiers was sent down to the Representatives, who sent up one of their own for that purpose, and another to confirm the nuncupative will of John Reid. The latter was read twice and passed. Act for quartering read the first time and ordered to lie upon the table.

Second petition of Edward Batterton, humbly imploring his enlargement, read. He was summoned and craved pardon in person, and after being reprimanded, was granted his liberty.

The absent Members of Council were summoned to attend at 7 a.m. on Monday (July 28), otherwise the Provost Marshall will be immediately sent for them. [*C.O.* 140, 6. pp. 388-392.]

July 28. **674.** Minutes of Council in Assembly of Jamaica. The Council unanimously refused to consent to the Bill to confirm the will of John Reid, "in regard that this Assembly, having refused to doe anything for the King's service or ye publick good,

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noe private Bill should be past whereby they might be remembered to be a Session," but it was resolved, *nemine contradicente*, that they should be immediately prorogued to August 20 by Proclamation. [*C.O.* 140, 6. p. 392.]

July 29.
Skinner's
Hall.

675. Wm. Thornburgh to Mr. Popple. This answer to yours of the 22nd comes thus late because I sent that with the enclosed to the Earl of Bathe with expectations of hearing from his Lordship about the matter therein contained. But I am since informed his Lordship is not well, and out of Towne. I do not remember the Act of the Country therein mentioned was ever transmitted to the Lords Proprietors as yet, or if perhaps it was, I am thoroughly perswaded of their Lordships' dissent thereto, being so pernicious to the general interest of the country. This is all I can say at present, till my Lord comes to Town. *Signed*, Wm. Thornburgh. *Endorsed*, Recd. Read July 30, 1701. *Addressed*. $\frac{3}{4}$ p. [*C.O.* 5, 1261. *No.* 13; and 5, 1289. p. 136.]

July 30.
Jamaica.

676. Governor Sir William Beeston, to the Council of Trade and Plantations. *Refers to letter of July 7.* I acquainted you with my thoughts of the Assembly, who being for the most part a parcel of young men, never used to such business, nor acquainted with the constitution nor laws of the Island, were industriously chosen by the artifices of some men on purpose that they might lead them to oppose all things for the service of the King and Country, and set themselves into an arbitrary condition without owning any authority but themselves. At the opening the Sessions they sent the Speaker's warrant for five of the Council to come before them to give them an account of money they had nothing to do with; issued out a Proclamation and caused it to be proclaimed and fixt up in four of the most eminent parts of the Island, and carryed so, that I nor the Council knew anything of it, till it was done, but then I sent the same man to pull it down, who fixt it up, and committed him to close prison for his insolence. They also sent the Speaker's warrant to take into custody one of the King's Officers, and commanded the Constable, and all H.M. liege people to be aiding to their Messenger in the execution thereof, on which I sent the Provost Marshall to countermand it, and in all these nor several others never named the King nor his authority; they voted out the Act for the Additional Duty the day before it was to expire in meer malice and spight, as may plainly appear since they own themselves, two-thirds or more of the House never read it in their lives, nor knew what was in it, tho' the uses were paying tradesmen's passages from England, and parties to goe out after rebellious negroes, and settling the Bath [*i.e.* the Bath of St. Thomas the Apostle. *Ed.*], and because myself and the Council obstructed them in these their violent and arbitrary proceedings, they voted to make an Address, and ordered a Committee to draw it up to the House of Commons in England, wholly leaving out His Majesty, or any pretence of right or justice from him, if they had been injured; of which I having some notice given me, sent presently for the votes, and there found it true, then

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though I had bourn near five weeks with them, in hopes of a Bill which they dayly promised for quartering the soldiers, and dayly deceived us in, I thought it high time to send them away, and they being adjourned from Saturday to Monday evening, I did not know if it were proper to dissolve them in an adjournment by Proclamation, nor was I willing they should meet to pass and sign their Address, which I knew was ready for the Stamp, therefore issued out a short Proclamation and published it presently under the Broad Seal, by which I prorogued them to August 20, only to stop any of their further proceedings, and to gaine time to enumerate their extravagancies in a large Proclamation for their dissolution, that so their Country, who sent them up for their Representatives, might see fully how in all things they had behaved themselves in their duty to His Majesty and service to the country, and this Proclamation was published under the Broad Seal, the 29th inst. But I must also acquaint your Lordships that having delayed us for near five weeks with hopes and promises of a Bill for Quartering the Soldiers, and none came up, but they kept it by them as a handle to turn their designs with, the Council raised a Bill for that purpose, and sent to them, which they presently rejected, and then sent up their Bill, but so impracticable and troublesome in quartering the soldiers, and having therein subjected H.M. Treasury of the Island for paying Quarters of the Officers (who no more can live then the soldiers on their subsistance in this country), where all things are very dear, and commanding the Receiver General to pay the sums there directed, by which they made themselves the disposers of H.M. Revenue, contrary to any authority they have therein, and to H.M. Commands about it; the Council could not in duty agree to it, nor could I consent to pass it, so that it seems as done on purpose that it should not pass, that so the people might turn the soldiers out of doors, because there is no law for quarters, for at their arrival for present disposal of them, I ordered the Justices by private sessions in the several precincts to quarter them as conveniently as they could till a Law were made, which I did not doubt at the first Session of the Assembly, and they then seemed so forward in it that they desired a Committee of the Council to joine a Committee of their House to make an Address of thanks to H.M., which was agreed on, nevertheless they never sent it up to me, however I now send the copie to your Lordships, that so you may see how they have promised and deceived the King, and now I expect they will insinuate to the people that they need not keep the soldiers, but may turn them out of doors, therefore I have noe other way left but to put the Island under Martial Law, and to order quarters by the Military Authority, which this day is agreed to unanimously by a Council of War, and is to take place to-morrow, and the soldiers thereby ordered quarters, which is a way I would have avoided, would the Assembly have done anything, but there is a necessity for it, and we must drive the nail that will goe, and for the Officers, we intend them a handsome allowance out of the Treasury, or some other way, and thereby to quarter where they please to pay for it. This has been a great

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trouble to me, especially at my leaving the country, which in all my time has been so easy and contented, but it's the people grown rich and proud, and now would sett up for themselves. I hope my successor will be more severe with them, and make them know their duty to the King and his authority, as well as to their country.

The French have many great ships in these parts; 7 were seen about three weeks since, and the 26th 3 great ships more to the Windward of the Island. I doubt they hover hereabouts till orders come for them to fall on us, and if so, if they attack us before wee have any Naval force to encounter them, they will doe great spoile, if not ruine the place.

Aug. 1.

I am credibly informed that the Assembly have raised a purse amongst themselves, and have sent one Mr. Hugh Tottedale, an Irish lawyer, privately off in a ship of Bristoll (who sayled yesterday morning) without ticket from the Governor according to law of this Island; and that two Members of the late Assembly are entered into obligation to the Master to save him harmless, and this is supposed to be with intent to carry the Address they had been preparing to the House of Commons to sollicite them to justifie their arbitrary proceedings against H.M. authority. This Mr. Totterdale, to get himself a vogue amongst the common people, was the great Botefeu in the Assembly; he pretending to tell them what was Law, with two or three more Republican-principled men, led the House into all these errors they have been guilty of. Therefore, that all their proceedings may be seen as fully as may be (without their and the Council's Journals) I now transmit the Proclamation by which I dissolved them, which was drawn up by the Council out of the Journals, and I caused it to be published in several parts of the country, to the intent the whole Island might know how they carried themselves, and why they were dissolved, and that they might not, at their return to their homes, report to the people untruths. If this gentleman at his first arrival or motion were clapt up for undertaking by private means and private collections of money to make application to oppose H.M. authority and prerogative, it might scare others from so bold attempts, as well as discountenance such carriages and projects here for the future; but that I must leave to your Lordships' better consideration. I cannot guess how they could presume, after being dissolved (and then no more but private men) to raise money, and send one off to sollicite their affairs. Col. Lowe knows them all, and can give your Lordships an account of them and of usages of Assemblys in this Island. A true copy. Signed, Wm. Beeston. *Endorsed*, Recd. 17th, Read November 18, 1701. *Enclosed*,

676. i. Abstracts of preceding letters. 1½ pp.

676. ii. Address of Council and Assembly of Jamaica to the King. *Intended but not completed (see above)*. Thanks for H.M. royal care of the Island and for sending so experienced a Regiment, "to succor and assist us against the threatening power of our neighbours, who are making great preparations for war both by sea and land. . . . We shall always testifie our utmost duty

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to your Majesty by taking care and providing quarters for the forces already here, and for such others as shall hereafter arrive," etc. A true copy. *Signed*, Wm. Beeston. *Same endorsement.*

676. iii. Copy of Proclamation for dissolving the General Assembly of Jamaica, July 29, 1701. Reviews the proceedings of the Assembly *as above*, and *see* Journal of Assembly. *Signed*, Wm. Beeston. *Endorsed*, Recd. November 17, 1701. 1 large p. [*C.O.* 137, 5. *Nos.* 53, 53.i.-iii.; and (*without enclosures*) 138, 10. pp. 299-306.]

July 30. 677. William Popple to Sir John Hawles. The Lords Commissioners for Trade and Plantations command me to send you the Acts of Barbadoes, Nov. 5, 1700—May 15, 1701, for your opinion upon them in point of Law, excepting only that for the payment of 2,000*l.* to the Governor, which being a duplicate, they have formerly had the opinion of Mr. Attorney General upon it. *Annexed*,
Whitehall.

677. i. List of Acts referred to. [*C.O.* 29, 7. pp. 348-350.]

July 30. 678. Council of Trade and Plantations to Mr. Secretary Vernon. Having lately received a letter from Col. Codrington, dated June 8 last, which may be of importance for your information, we take the liberty to send you the inclosed copy of it. *Signed*,
Whitehall. Ph. Meadows, Abr. Hill, Mat. Prior. [*C.O.* 153, 7. p. 209.]

July 30. 679. Journal of Council of Trade and Plantations. Some farther progress was now made in the draught of the Lord Cornbury's Instructions.

Letters from Governor Lord Grey, May 17, read, and papers therewith transmitted laid before the Board. Acts enclosed ordered to be sent to Mr. Solicitor General for his opinion.

Letter from Governor Lord Grey, June 5, and papers enclosed read. Letter from Governor Codrington, June 8, read; a copy was transmitted in a letter from the Board to Mr. Secretary Vernon.

Letter from Mr. Thornburgh, July 29, read.

Letter from the Governor and Company of Rhoad Island, April 18, read.

The Secretary signifying to the Board that Sir Thomas Lawrence had desired their Lordships wou'd please to give him a letter in the nature of an Instruction for the execution of the place of Secretary in Maryland, whither he is shortly about to repair, and the copy of a former letter given to him upon the like occasion by the Lords of the late Committee for Trade and Plantations, December 11, 1691, being read, their Lordships gave directions for preparing a letter from the Board to Sir T. Lawrence, which may be consistent with and suitable to His Majesty's present Instructions to the Governor of that Province.

Letter from Mr. Savage, July 24, read. Likewise the draught of a Letter of Direction which Mr. Randolph desires may be given to himself by this Board when he shal go for America. All the said

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papers referred to be further considered when Mr. Randolph shall call.

Some Acts of Nevis, February and March, 1701, received from Col. Jory, were ordered to be sent to Mr. Attorney General. [*Board of Trade. Journal, 14. pp. 120-125.*]

July 30. **680.** Minutes of Council of Bermuda. 20*l.* ordered to be paid towards the relief of the French Protestants now on transportation to Carolina in the *Charles*; Daniel Tucker and John Hilton to take care in laying out the same.

The accounts of Edward Jones were read, but not giving satisfaction, he was ordered to produce the originals.

On reading the Act for the reparation of the Castle and building barracks, overseers of the Castle, Forts and Platforms were appointed. [*C.O. 40, 2. p. 41.*]

July 30. **681.** Minutes of Council in Assembly of the Massachusetts Bay. The Representatives attending the Board, Wait Winthrop made a speech reminding them that at the time of their late recess the Court were upon consideration of addressing H.M. It had pleased God since to remove the Lieut.-Governor by death, whereupon the Council had taken upon them the administration of ye Government and emitted a Proclamation accordingly, and had written an account thereof to some of the Ministers of State, copies of which were delivered to the House. He directed that the Court should proceed in that business, where they left at the time of adjournment.

July 31. Joint Committee of the two Houses appointed to prepare draught of letters in answer to the last letters received from Sir Henry Ashhurst and Constantine Phips referring to the affairs of this Province.

The Council, in whom the powers of the Governor were now vested, gave their consent to the appointment of Wait Winthrop to be Agent for the Province in England. [*C.O. 5, 788. pp. 296-298.*]

July 31. **682.** Order of Lords Justices in Council, approving the report of the Admiralty upon that of the Council of Trade and Plantations, as to the wearing of the King's colours by merchantmen, and directing the Governors to oblige them to wear no other Jack than that proposed (that worn by H.M. ships with the distinction of a White Escutcheon in the Middle thereof, extending to one halfe of the depth of the Jack and one third part of the Fly thereof). The Council of Trade to notify the Governors accordingly. *Signed,* John Povey. *Endorsed,* Reed. August 4, Read 6, 1701. *Sealed.* 1½ *pp. Enclosed,*

682. i. Sketch of the Jack with white escutcheon in the centre for the use of merchantmen. ¾ *p.* [*Board of Trade. Plantations General, 5. Nos. 102, 102.i.; and 36. pp. 18-20.*]

July 31. **683.** Order of the Lords Justices in Council. A Copy of the Council Chamber, Whitehall. Representation, July 24, relating to stores of war, etc., for Jamaica, is to be sent to the Board of Ordnance, who are to consider what is

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therein proposed, and to report to this Board on Wensday next. *Signed*, John Povey. *Endorsed*, Recd. 4th, Read August 6, 1701. $\frac{3}{4}$ p. [C.O. 137, 5. No. 42; and 138, 10. p. 241.]

July 31.
Whitehall.

684. William Popple to Edward Northey, H.M. Attorney General. By order of the Lords Commissioners for Trade and Plantations, I herewith send you the Acts past by the General Assembly of Nevis, Feb. and March last, for your opinion thereupon in point of law. *Annexed*,

684. i. Lists of Acts mentioned above. [C.O. 153, 7. pp. 209-211.]

July 31.
Whitehall.

685. Order of Lords Justices in Council. Upon reading this day at the Board a letter from the Lords Commissioners of the Admiralty to the Rt. Hon. Mr. Secretary Vernon, together with five papers relating to proceedings in the Bahama Islands, touching the jurisdiction of the Vice-Admiral there, ordered that they be referred to the Council of Trade and Plantations for their opinion upon the whole matter. *Signed*, John Povey. *Endorsed*, Recd. 4th, Read August 6, 1701. $\frac{1}{2}$ p. *Enclosed*,

685. i. Lords of the Admiralty to Mr. Secretary Vernon. Admiralty Office, June 26, 1701. Having received several papers from the Officers of the Vice Admiralty of New Providence, complaining of the interruption they meet with from the Officers to the Lords Proprietors of the Bahamas, we send you herewith copies of the said papers, and desire you will please to move H.M. for such orders to be given therein, as may support the Court of Admiralty in those parts. *Signed*, Pembroke, Havershham, D. Mitchell, Geo. Churchill. 1 p.

685. ii. Copy of Announcement by Perient Trott, Richard Peterson and Jerum Wells, Nov. 4, 1700, that Tho. Walker had been duly appointed Judge of the High Court of Admiralty for the Bahamas by Commission from the Lords of the Admiralty and sworn by them accordingly. $1\frac{1}{2}$ pp.

685. iii. Minutes of Council of Bahamas. Dec. 31, 1700. Letter ordered to be composed to the Lords Proprietors to signify the state affairs of the Islands. The question was put, whether or no that, whereas a firm Charter being granted by Charles II. for the Lords Proprietors to have the full benefits and advantages of these Islands as therein contained, be sufficient to hold these Bahama Islands, and no other privilege to be allowed than to the said Proprietors to any other persons whatsoever excepting what was then excepted by his sacred Majesty, which was the Customs and allegiance. It's agreed that all things be as before, till they be signified by H.M. Power to the contrary. It was agreed that affairs touching the Public Administration of this Government invested in the Proprietors ought to stand in force, and no other power until determined in England,

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as touching of any prerogative being taken from them than what the Charter expresses.

The question was proposed by the Deputy Governor whether, whereas there has been some papers, which was written in English and with much razing and interlining in the same by Perient Trott, who he says is thereby constituted Deputy Vice-Admiral of these Bahama Islands, and sent him from England with no name whatsoever thereunto annexed, [*it*] be proper for him to term himself so or not without signing in the forme of a Commissioner as is usual so to do, and that the said Papers so written razed and interlined, ought not to be sent for to this Board, by which he pretends to weare the Union Flagg, and here to be read, and a true copy taken and sent to the Proprietors, in order to assert them of these their passages past here, which is supposed to be by them unknowne. It's carryed that they will not meddle with this proposal. [*Copy.* 2½ pp.]

685. iv. *New Providence and the Bahamas.* A Publication by the Hon. Perrient Trott, Vice-Admiral, Commissary and Deputy, and the Hon. Thomas Walker, Chief Judge of ye Court of Admiralty for ye Bahama Islands. King Charles II. by the Charter reserved to himself the allegiances, customes and sovereign dominion, that is to say the seas and maritime jurisdiction thereof. In right whereof the Lords of the Admiralty having sent a Commission unto Perient Trott to be Vice-Admiral, Commissary and Deputy through the Bahama Islands and seas, the said Trott did on Dec. 30 last go personally on board a sloop in the road of Providence and there took possession of the Bahama Seas, and made the same known by the hoisting the Union Flag at the masthead of the said Sloop. Whereupon some persons in the Government is displeased and threatens, whereby there is just cause of suspicion given that there is intent to hinder me and the Admiralty Officers in the due execution of their Commissions, wherefore to prevent the same, these are to give notice to the Lords Proprietors, President of the Council and all other Lords Deputies and all Magistrates and H.M. Subjects, that they stand by, aid and assist H.M. sovereign Dominion to the Seas aforesaid, and all H.M. lawful and commissioned Officers of the Admiralty in the due execution of their Commissions, against all usurpers, contemners, resisters, opposers, mutineers and rebellious persons, etc. Published by Order, January 2, 1700 (1701). *Signed*, John Dudgeon, Deputy Register. *Copy.* 3½ pp.

685. v. Tho. Walker to [? the Lords of the Admiralty]. *New Providence*, Jan. 30. Since the receipt of your Commissions to me, the Judge of the Admiralty and the Vice-Admiral, all care and endeavours have been used that could be to maintaine and execute the same, and

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bring the people in subjection thereunto, to pay unto the King the tenths of all wrecks and other matters arising to the King by vertue of the said Commissions, and because there came out with the said Commissions a positive order to the Government to be observant, aiding and assisting thereunto, therefore disputes and queries have arose in the Government concerning the Commissions, whether the tenths or dues ought to be paid to the King's Officers, or the Lords Proprietors, and in this dispute we, the Admiralty Officers, have been molested, disturbed, and in danger of our lives of Read Elding, the assumed Deputy Governor of the Bahamies. It's probable a wreck of value may in the interim of time, and while these disputes are afoot, be found, and then the Vice Admiral by vertue of his Commissions is obliged to receive and command the King's dues and part thereof, but the Deputy Governor is resolved to take and receive for the Lords Proprietors, and he being too strong and potent will overcome us, except we have further direction and protection from England. *Signed*, Tho. Walker. $1\frac{1}{2}$ pp.

685. vi. Perient Trott to [? the Lords of the Admiralty]. New Providence, Feb. 14, 170⁹. I have received a Commission from your Lordships for my being Vice-Admiral. Upon my publishing it, the Proprietors' Deputy Governor, Read Elding, called his Council and put several queries relating to my Commission, the copies whereof with the Council's answer I enclose, by which you will perceive no obedience will be given to the King's Commission, except H.M. is pleased to require and order the Lords Proprietors of the Bahamas to direct their Governors to yield obedience and assistants to all his Admiralty Officers here. *Signed*, Perient Trott. 1 p. [C.O. 5, 1261. Nos. 14, 14.i.-vi.; and 5, 1289. pp. 137-153.]

- [? Aug. 1.] 686. Mathew Plowman to the Council of Trade and Plantations. Petitioner the last sitting before this of the Lords Justices had an Order from their Lordships to your Lordships to examine concerning a parcel of provisions for the frontier garrisons of Albina's use, upon which you gave him an Order to Lord Bellamont, that unhappily died before petitioner's case was examined. Prays that orders may be given to Lord Cornbury to examine and report upon the matter. *No signature. Endorsed*, Recd. 1st, Read Aug. 6, 1701. $\frac{1}{2}$ p. [C.O. 5, 1046. No. 31.]

Aug. 1.
Boston.

687. Minutes of Council of the Massachusetts Bay. Wait Winthrop was chosen Chief Justice of the Superior Court of Judicature, in place of Lieut.-Governor Stoughton, and John Saffin a Justice of the same.

Several persons had votes for Judge of Probate of Wills etc.

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within the County of Suffolk, but none having a majority, that matter was adjourned to be further proceeded in to-morrow.

Grants of the Assembly, May 28, confirmed and warrants issued accordingly ; to James Russell 125*l.*, as full and final consideration to him for his services and losses as Treasurer, and those of his Father, Richard Russell ; to James Taylor, Treasurer, 200*l.* for his service in that office the year last past ; to John White, Clerk of the House of Representatives, 10*l.* in part of what shall be allowed him ; to Capt. Samuel Phips 2*l.* in consideration of extraordinary service by him done for ye House of Representatives ; to James Maxwell 30*l.* for his service as Doorkeeper to the Lieut.-Governor, Council, and General Assembly ; to Capt. Samuel Legg, 22*l.* for freight of soldiers' cloathing, 1686 ; to Capt. Thomas Browne, 5*l.* in full compensation for ye loss of his horse in pursuit of the Indian Enemy, 1697 ; to Arthur Mason 5*l.* 10*s.* in full satisfaction for his service in a journey to New York, 1673, over and above what he formerly received ; to Caleb Ray, late Keeper of H.M. Gaol in Boston, 24*l.* 19*s.* 11*d.* for keeping of sundry persons committed for piracy *etc.* ; to Warham Mather 15*l.* for his services as Chaplain at Northfield in the time of Sir Edmund Andros ; to Oliver Purchis, an ancient publick servant of the Government, who is fal'n to decay and become very indigent and necessitous, 10*l.* for his present support ; to Benjamin Nason of Barwick, 4*l.* towards the charge of his daughter's redemption from the Indians ; to the town of Wells 5*l.*, York 5*l.*, and to the precinct of Barwick in the town of Kittery 10*l.*, towards the maintenance of the Ministry in said Towns and Precinct ; to the Town of Tisbury 15*l.* for their assistance in building a meeting-house ; and for the rent of the room taken up and improved by the Commissioner for Import for the two years last past, 16*l.*

Warrant signed for payment of 15*l.* to Penn Townsend in abatement of the sum for which he farmed the Excise in 1698, in consideration of his not receiving Excise from Bristol.

The Assembly, Feb. 12, having resolved that certain allowances be paid to the following inhabitants in the County of Suffolk, in full of their accompts of disbursements for H.M. service, warrants were issued and signed accordingly :—To Joseph Storer, Jane Littlefield, Jonathan Littlefield, John Cloyes, Nathaniel Cloyes, Thomas Cole, Jonathan Hammond, Mehetabel Littlefield, Joshua Downing, John Shapleigh, Jasper Poleman, James Plaisted, and Jeremiah Molton, 137*l.* 0*s.* 9*d.* in all.

3*l.* 18*s.* paid to Thomas Howe, he having paid so much for ye redemption of Elizabeth Howe, who was captive to an Indian.

5*l.* 5*s.* 3*d.* paid to James Gooch on behalf of John Wade of Barwick in full of his accompt for medicines and applications by him used for soldiers posted at Barwick, April, 1700.

2*l.* 12*s.* 4*d.* paid to Nathaniel Byfield for his disbursements and expenses for provisions, by order of the Council, when they went to view ye Fortifications on Castle Island, and deliver possession thereof to Elisha Hutchinson.

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Aug. 2.

The choice of a Judge of Probate for the County of Suffolk was adjourned till Tuesday 5th curreant.

The following declaration of the Council upon the appeal of John Greenleafe from the decree of the Hon. William Stoughton, late Judge of Probate in ye County of Suffolk, was drawn up and signed by 16 of the Members present (*out of 25*); Whereas the Hon. William Stoughton by an order, Dec. 26, 1700, assigned unto Mary Veazie, late wife of Samuel Veazie, Mariner, of Boston decd., one moiety of the remaining personal estate of the decd., not then settled, besides her dower or thirds in his housing and lands during her life, according to the Act for providing for posthumous children, the said Samuel Veazie having made his will before his marriage, whereby it happened that she was not named therein, John Greenleafe of Boston, shipwright, husband of Hannah Greenleafe, sister of Samuel Veazie, and a legatory named in his will, did make his appeal from the judgment unto the Governor and Council and gave bond to prosecute the same; but forasmuch as upon June 19, the day appointed for hearing of the said Appeal, it hath been made appear that Mary Veazie, the Appellee, deceased some time before, it was considered that, by reason of her death, the said Appeal is discontinued.

Warrant signed for payment of 20*l.* to Jonathan Remington, late Chaplain at H.M. Fort Mary at Saco for his service there for 20 weeks. [*C.O.* 5, 788. *pp.* 71-76.]

Aug. 1.

688. Minutes of Council in Assembly of the Massachusetts Bay. The Council gave their consent to the Resolves of the House to which the Lieut.-Governor had not given his consent in writing.

Joint Committee appointed to acquaint the Hon. Wait Winthrop that this Court have appointed him Agent.

Mr. Increase Mather, President of the College, attending as he had been invited, acquainted the Court that he was now removed from Cambridge to Boston, and that as the College remained unsettled, he did not think fit to continue his residence there, and lookt at it as a hardship to expect his removing his family thither, but if the Court thought fit to desire he should continue his care of the College as formerly, he would so do. A resolve was sent up from the Representatives, that, accordingly, a message be sent to the Reverend Mr. Samuel Willard, to desire him to accept the care and charge of the College, and to reside at Cambridge, in order thereunto, agreeable to the Order of this Court in March last. Joint Committee appointed to deliver the above message.

Joint Committee appointed to prepare Instructions for the Agent of the Province.

Aug. 2.

The Committee reported that Mr. Samuel Willard had replied that he would consider thereof and advise with his Church. [*C.O.* 5, 788. *pp.* 298-302.]

Aug. 2.

Maryland.

689. Governor Blakiston to the Council of Trade and Plantations. It has pleased God to visit me with a relapse of

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my old malady, ye Fevour and Ague, wch. has been very sharp upon me, and yet I am but in a very weak condition, wch. has a little impeded me in my duty in acknowledging yr. Lordships' of ye 18th of Feb. I have been very much perplexed in geting an acct. of arms etc., as yr. Lordships commanded me. I did in mine of May 25 acquaint you of ye irregular methods had been used here for ye distributing of ye arms, etc., into respective counties to ye commanding Officers, into whose hands they were committed, and they often dyeing, they fell into ye hands of executors, and were lost and imbezled, wch. method I have altered by ye advice of ye Council, and intend for ye future to keep them in a magazeen at Annapolis, and only distribute such armes and ammunition etc., as is absolutely necessary to ye frontier countys. I have already advised yr. Lordships of this my intention, and hope it will meet with yr. approbation.

I enclose an acct. of ye arms, ammunition, etc., belonging to H.M. in this Province, and I humbly crave leave only to observe to yr. Lordships, least you should think ye quantity of powder to little, for we have noe great guns in this Province as there is in ye rest of H.M. Governments, and wth. submission we esteem ye powder now in the Province to be a considerable quantity, since it is only for the use of small arms. I find the Militia of the Province pretty well armed, for it has always been ye custom for men-servants, when out of their time of servitude, to purchase a gun, being induced to it by ye great plenty of game this place affords, and I crave leave further to acquaint yr. Lordships that about two years agoe I prevailed upon ye Assembly to alter a former Law, in wch. they gave every man servant when free four barrells of corne, but they very seldom received it in specie: they altered it and made it two barrells of corne wth. a gun of 20s. price, wch. method will in a very short time arm all ye inhabitants, but notwithstanding, I send every yeare for armes out of ye money due to H.M. for the 3d. per hhd.

Your Lordships are pleased to command me to transmitt to you an acct. of ye situation and condition of what soe ever Forts and Fortifications there is in this Province. At present there is not any, and by what I can learne there never has been any, nor doe I find at present there is a necessity for fortifications to oppose an enemy from Europe, being ye whole Province is soe full of creeks and bays to land at. The numbers of inhabitants are very considerable in Virginia, wch. is our frontier, and soe they are in this Province, and if an enemy should make any attempt in landing, there marches would be attended wth. those deficults by reason of ye woods that they scarce will be able to make any advances into ye country, wth.out ye greates(t) hazard, besides these parts does not afford those bootys to enduce ye common enemy to steare thire course this way, but noe prospect of security shall make me the least tardy in ye duty that is incumbent upon me; and will endeavour to have all things in as good a posture of defence as I can. The Militia of ye Province does very much want a better regulation to make them truly

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servisable, but ye Assembly ye last meeting would not adheare to it, though I earnestly moved them to it.

Yr. Lordships are pleased to signify that ye Law for Religion has been laid before H.M. and that he has been pleased to direct a new Bill to be prepared; when compleated I shall waite upon yr. Lordships' directions therein. I have sent to the respective vestrys to transmitt an account how ye money has been disposed of that has been raised this eight or nine years past for ye Clergy. When I have ye returns I shall send them to yr. Lordships.

Acknowledges letter with Commission for trying pirates, etc. Signed, N. Blakiston. P.S.—Notwithstanding what I have humbly offered to yr. Lordships of ye little occasion we have of Fortifications against an European enemy, yet it seems very necessary that there were some Forte to secure ye merchants' shippes here from being burnt or plundered. All ye security we have at present is that we are many leagues up ye Bay from ye Capes, and that Virginia is our frontier. Endorsed, Recd. 8th. Read Dec. 15, 1701. Holograph. 3 pp. Enclosed,

689. i. Abstract of preceding. 1 p.

689. ii. An account of the Arms, Ammunition *etc.* in Maryland. *Endorsed, Recd. Dec. 8, 1701, Read Jan. 15, 1702. 1 large p. [C.O. 5, 715. Nos. 45, 45.i.—iii. (including duplicate of letter); and (without abstract) 5, 726. pp. 108–114.]*

Aug. 4. 690. Minutes of Council of Bermuda. Committee ordered to inspect the accounts of Edward Jones, he having not had respect to the Order of July 22.

On the motion of Charles Walker about the *Charles*, outward bound to Carolina, the small-pox being in the vessel, ordered that no person who came in her, except those who have been ashore for 10 days, come on shoar this whole week, and those on shore do not go aboard. [*C.O. 40, 2. pp. 41, 42.*]

Aug. 4. 691. Minutes of Council in Assembly of Massachusetts Bay. The Committee for preparing Instructions for the Agent met.

Aug. 5. Joint Committee appointed to go on a message to Mr. Willard's Church, to desire their consent, and that Mr. Willard might reside at Cambridge, to take the care of the College there.

Resolve of the Representatives was concurred with that, This Court having received advice that several French ships of force with 600 soldiers are lately arrived at Port Royal in Nova Scotia, concerning which matter they apprehend it needful that further intelligence be obtained, a shallow or some other suitable vessel be sent forthwith to make discovery of the posture and proceedings of the French there.

Draught of an Address to H.M. and of Instructions for the Agent read.

Aug. 6. James Taylor, anew elected Treasurer, took the oath.

Wait Winthrop presented his answer in writing as to the Agency in England, with several proposals relating thereto.

Draft of an Address to H.M. read and sent down.

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Salaries of Judges allowed.

The answer of Mr. Willard's Church, that they could not consent to part with him, was communicated.

Petition of Major Benjamin Church and others, Proprietors of Freetown, referring to a road laid out from Pocasset Ferry to Taunton, was sent up from the Representatives, with their resolve that the Petitioners be heard by this Court, and read. Concurrence refused.

Several proposals of the Representatives, referring to the security and defence of the Province, were sent up and read. [*C.O.* 5, 788. *pp.* 302-306.]

Aug. 4.
Fort William
Henry.

692. Minutes of Council of New York. The Governor produced a letter from H.M., July 3, 1700, which was read, and William Atwood was accordingly sworn a Member of Council. He produced his Commission under the seal of the Admiralty of England appointing him to be Judge of the Admiralty of the province of New York, and Sampson Shelton Broughton his Commission to be Advocate General of the Court of Admiralty of this Province, who were both admitted, and took the oaths appointed. The Governor produced H.M. letters, July 3, 1700, commanding him to appoint William Atwood to be Chief Justice and Sampson Shelton Broughton to be Attorney General, which were read, and the Secretary ordered to prepare Commissions with all expedition.

Aug. 5.

Mr. Atwood and Mr. Broughton received their Commissions and took the oaths accordingly.

The Governor produced H.M. letter of Jan. 27, relating to Trinity Church, which was read and ordered to be entered:—Whereas we are informed that the inhabitants of New York have at their great expence built a Church there, for the performance of Divine Service according to the usage of the Church of England, and that they are under apprehensions of being disposed upon a pretence of a flaw in their Charter, whereby they hold their said Church, Our Will and Pleasure is that in case any suit be already commenced, or shall hereafter be commenced against their said Charter, to the prejudice of their said Church, or any the rights or revenues thereunto belonging, that you do not proceed definitely thereon, until the said Charter, or an authentick copy thereof, together with the whole state of the matter be first transmitted hither, and laid before us in our Council, and our further pleasure be thereupon signified to you. Hampton Court, Jan. 27, 1701.

Ordered that the Secretary prepare a Commission of Oyer and Terminer for the trial of Henry Lewis for murder, together with a negro woman and John Johnson for felony.

Ordered that Col. Abraham Depeyster and Robert Walters be Assistant Justices of the Supreme Court of Judicature. [*C.O.* 5, 1184. *pp.* 567-570.]

Aug. 5.
Custom House.

693. Richard Savage to William Popple. I received yours of the 24th ult. (*q.v.*), which I have laid before my masters, the

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Commissioners of H.M. Customs, who command me to acquaint you for the information of the Council of Trade and Plantations, that the principal part of the Collector's business, who is established at Bermuda by authority and directions of the Treasury, is to see that all tobacco and other the Commodities enumerated in the Acts of Trade and Navigation be duly imported and exported, and that noe European goods (except what are by law excepted) be imported but from England, Wales or Berwick, and that all ships inwards and outwards be qualified and navigated according to these laws, and the Commissioners conceive it necessary that according to the aforesaid Instructions all ships should be obliged to enter and clear in one of the aforesaid harbours, the better to be visited and examined by the Collector, there being no need in their opinion of any other Officer for any of the matters under their care and inspection. *Signed*, Rich. Savage. *Endorsed*, Recd. 5th, Read August 13, 1701. *Addressed*. 1½ pp. [C.O. 37, 3. No. 59; and 38, 5. pp. 173-175.]

Aug. 5.

694. Elianor Corbett to the Council of Trade and Plantations. In behalf of her son John Corbet, an Infant, petitions that the case annexed be considered, and in case Col. Perne obtain an Act of Assembly in Antegoa to impower him to sell the land in question or to settle it on his children, that it may not be confirmed before petitioner hath been heard by her Counsel. *Endorsed*, Recd. 5th. Read Aug. 13, 1701. ¾ p. *Annexed*,

694. i. John Corbet, late merchant of London, bought of the co-heirs of John Lingham two Plantations in Antegoa called Blubber Valley and Musketo Cove. Immediately after John Lingham's death, one Col. Henry Perne got into possession of the said Plantations, and keep(s) them to this day. Corbet's widow having received advice of Col. Perne's having lodged a petition with the Assembly at Antego and is making interest to have an Act pass *as above*, petitions *as above*. ¾ p. [C.O. 152, 4. Nos. 39, 39. i.]

Aug. 5.
London.

695. Lewis Morris to the Council of Trade and Plantations. In obedience to your Lordships' commands, I have perused the petitions of East and West Jersie, and the better to enable you to judge of the hardships the petitioners lie under, I take leave to lay before you a state of those two Provinces, but more particularly East Jersie.

Mr. Basse arrived ye last of March, 1698, and some time in April applied himself to the then Governor (Hamilton) and Council, producing a Commission from the Proprietors of East Jersie for Governor of that Province, but not producing an approbation, as was expected. The Governor told him that though he was assured ye Proprietors had given what authority they had to Mr. Basse, and had thereby superseded him, yet he did not think Mr. Basse, without the King's approbation, was sufficiently authorised to enter upon ye Government. However, he left that matter with ye Council, who adjourned for a day or two, and

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at the time appointed part of them met again, some of which are in ye number of the Petitioners, and, notwithstanding that barr, acknowledged him their Governour, and 12 days after swore him, and was themselves sworne by him.

On May 11th he held the Supreme Court and there one of ye late Councell did publickly demand him by what authority he took on him ye Government, who reply'd by the King's, and ordered that person to be seized; and the Court (some of the Members of which are now some of ye Petitioners) fin'd him fiftie pounds, and committed him to the Sherrif's custody. *Refers to the seizure of the "Hester."* Some time after Mr. Basse passed an Act for raising 675*l.*, "for redressing a force of our neighbour Province." This Act was so displeasing to the greatest part of ye country, that they did in several towns resolve not to pay it, unless forced to it, and wrote to the Proprietors, which letter lies before you.

Mr. Basse and Council finding that the foresaid Act wanted some necessary amendments, without which it was judged impracticable to raise the money, resolved to wait till the next session of Assembly, who applied themselves to make those amendments requisite, but finding the country on one side to murmur and resolve not to pay, and Mr. Basse's Deputy Governor and Council, on ye other, insist violently on it, the greatest part of them left ye House, without a Quorum to act; and that Assembly disolv'd of course, and everything was quiet till ye arrival of Col. Hamilton, Dec., 1699, and produc't a Commission from ye Proprietours of East Jersie to be their Governor. He also told us, your Lordships refus'd him an aprobation, because it would be a recognising the Proprietors' rights to Government, but did not thereby intend to inhibit him governing, and provided he acted in yt. station agreeably to the Laws of England and of that Province, he was justifiable. Mr. Basse's Council did acknowledge yt. he derived his power from ye same persons yt. commissioned Mr. Basse, that his commission was good, and promis't to pay an obedience to it, and accordingly all but foure continued their former stations in ye Government, and three of those four Col. Hamilton by repeated solicitations desired to continue in their former stations also, but they all alledged they were fatigued with the toils of publick business, so that he was forc't to commissionate others. Those men of the former Council, with some others of lesse note, who during Mr. Basse's administration did sedulously circulate to the people, yt. although Mr. Basse wanted an aprobation, he was a lawful Governour, whether vext at being disappointed of raising the money they wanted, or displeased at the Proprietors for displacing Mr. Basse sooner then they expected, did stir up ye same people to opose Col. Hamilton, because he wanted an aprobation. Their endeavours had the effect they propos'd, as appears by the several records now laid before your Lordships, and to consummate the work so well begun, they did on March 25, 1701, rescue a pyrat, one of Kid's crue, from ye Barr, and seise ye Governor and Justices.

On June 7, 1701, arrived a new Commission from part of the

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Proprietors of East New Jersie, empowering Capt. Andrew Bowne, one of the Petitioners and one of ye Council that did advise and assure ye Proprietors yt. no Governor by them commissioned would satisfie ye people, without H.M. aprobation, to be Governor. Col. Hamilton resolves not to surrender ye Government unless Capt. Bowne's Commission is signed by two thirds of the Proprietors, as, by their agreements among themselves, it ought to be. If it be enquired into, I fear few of their commissions has had that sanction, for they are divided, and five of one party, which is about one fifth of the whole, hatcht this last Commission in a corner, and one of that number, having the keeping of their public seals, affixt it to it and sent it into America, without the knowledge and consent of most of the rest, some of them being ignorant of it until, to their great surprise, they heard it from America. At this rate, my Lords, we may have new Governors by every ship from England, and none of them with ye sanction requisite even by their own constitutions. Government is prostituted in ye hands of such people. I hope our present unhappy circumstances and the illegality and ill consequences of the Proprietors' procedures will move your Lordships to take such methods as may be for H.M. honour and our safety.

In West Jersie Mr. Basse arriv'd about the same time he did in East, ye Assembly then sitting, but Mr. Basse not producing H.M. aprobation, the Assembly rejected him, and did refuse to act with him, or recognise him as Governour. Mr. Basse made a Council and some other Magistrates, who made some few efforts to assert his authority, but ye generality of ye country being against them, they had no effect but setting ye people by th' ears. This was the state of that country till Col. Hamilton arrived; the Assembly was then sitting. Col. Hamilton produc't the Proprietors' commission, and acquainted them what steps had been made to obtain H.M. aprobation, and yt. it could not be had during the present circumstance of things. The Assembly having experimented ye ill effects of confusion, and judging a lame authority to be better than none (though they thought Col. Hamilton's not to be such), did recognise Col. Hamilton's, and so did ye country in general, till ye Assembly, to defray the necessary of ye Government, rais'd a tax, which so disobliged that party yt. adhered to Mr. Basse, yt. they made use of ye present occasions; and arguments against paying of money meeting generally with favourable auditors, they gain'd to themselves a party considerable enough to disturb the public peace, and are got to the height that sometime in March last about 80 of them came into the town of Burlington and at noonday broke open the prison, and took away one committed (I suppose) because he would not give security for his good behaviour. The names of the Petitioners of East Jersie are the same as those mentioned in ye Records of several riots committed in yt. Province, especially that remarkable riot, or rather Rebellion of March 25, as by No. 6 appears, which I lay before your Lordships as a complaint, and beg that those persons may have an exemplary punishment.

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The petitioners complain of the hardships they lie under, which are no other than what their unwarrantable practises have brought upon ymselves and others, who had they paid that submission was necessary to the conservation of the Peace, those Provinces had been happy, and your Lordships not troubled with their murmurs. There is a necessity the prayer of their petition be answered, and I presume there is no expedient can settle those governments, but giving a formal aprobation to ye Proprietors' Governor and commanding the people's obedience till H.M. pleasure be further known, or commissionating some person to be Governor under the Broad Seal. Our present bleeding and unhappy circumstances makes us fit objects of your Lordships' care and pittie. *Signed, L. Morris. Endorsed, Recd. 7th, Read Aug. 13, 1701. 6 pp. Enclosed,*

695. i. Memorial of certain Towns of East New Jersey to the Proprietors of East New Jersey. The Representatives of this Province having made an address to Jeremiah Bass, wherein they tell him he has spent his estate in endeavouring the good of the Province, with much more the like fullsome flatteries, we think it our duty to inform your Honours that address was made and passed by a number of his own creatures in the House, and that it is very far from being the sentiments of the generality of the Province, for instead of keeping up the honour of government, he has upon all occasions basely prostituted it, which to instance were but to recount all his acts of Government, wherein it was possible for him so to do. We owe the unhappy circumstances our Port lies under to his cowardice and sloth, who when he knew of a force coming to take the ship *Hester* an hour before their arrival, took no care to prevent her being surprised, and when he had force enough to retake her, being earnestly desired by them to head 'em himselfe or to commissionate some other, he refused and trembling left them. The ship lay two days before Perth Amboy, the soldiers ridiculing the Government of the Jerseys, calling for the Governor all their continued insults, he no otherways resented, then by desiring them not to be angry, presenting their Captain with Brandy and other provisions, and drinking the Earl of Bellomont's health to them. We[re] the ill effects of those proceedings our only suffering, we might perhaps have been patient, but as meanness of spirit is seldom unaccompanied with other vices, so are we no less owing to his malice [*than*] his folly for our hurt. Our rights and privildges are by him invaded in the highest degree, and in lieu of the free electing Representatives, are foret to submit to the arbitrary will of himself and his Council, by whose advice (tho' unminuted) he took the writ from the Constable, the peo[ple] being met to elect, pretending informality in it, and because one of his own faction could not be chosen, he appointed the Election two days after, tho' the

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same methods were at first took as ever had been, since East [*Jersey*] has been a Province. He has not stuck to violate your positive Instructions, as for instance, Instruction, To lay no tax upon uncultivated land etc. The proceedings of the last Assembly will sufficiently inform your Honours, that no Governor has had a Council that could better suit his sinister designes, than that of Mr. Bass. *Signed*, April 21, 1699, by Order of the Town of New Worke, Nath. Ward, Clk., April 21, 1699, by Order of Elizas Town, Saml. Whitehead, Clk., April 25, 1699, by Order of Perth Amboy, Jno. Barclay, Clk., June 1, 1699, by Order of Freehold, Wm. Laing, Clk. *Copy. 1½ pp. Edges torn.*

695. ii. Copy of the proceedings of the Justices of the County Court of Middlesex in the town of Piscataway, March 19, 1699. This day being ye day appointed by Act of Assembly for holding the County Courts in the town of Piscataway in the Public Meeting House, the Justices went to the Public Meeting House, and finding the door shut, enquir'd who had the keys. Answer was made by some of the inhabitants that the House belonged to their Town, and that they had nailed the doors. The Justices replied the House belonged to the Country so as to keep Court there by Act of Assembly, and so demanded entrance, which being refused, the Justices commanded the Sherrif to break open the door, which he attempting, Edward Slater of said town layd violent hands on him, and John Langstaff with others stood close by to hinder the Sheriff, and the Sheriff and Slater wrestling together, the people called out, Let them have room and fair play, and the Sheriff getting clear of Slater, went to ye house doore and pushed it up with his foot and went into the house, and several others crowded in after him, amongst whom were John Langstaffe, Thomas Higgens, Joseph and Benjamin Mannen. Langstaff said, Let us turn the Sheriff out again, for we are men enough here to do it, and there being a great noise and confusion in the House, several persons said to Justice Dennes, Will you stand here and let the Sheriff be murdered in ye House? upon which he went to another door of ye house and pushed it open with his foot, and entering in, some persons of the town, whom he knew not, layd hold on him, and Edward Slater came to him and took him by the collar, with design as he supposes to strick him, and said, What do you come here for? To whom the said Justice answered, Only in peace to keep H.M. Court, but finding that not acceptable, he called Yelverton, Crowell, and William Enslie to his assistance, who relieved him from Slater. Also John Royse and Saml. Walker asked several times by what authoritie they came to keep Court there, and when it was answered to them, by the King's authority, they

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replied that they had no lawful authority to keep any Courts there, and that the house was the Town's, and the Justices had nothing to do with it. And so the Justices, finding such resistance, withdrew and went to the Constable's house and made this record. *Signed*, Saml. Dennes, John Bishop, Saml. Hale, Benja. Griffith, Machiell Van Weghtie, Thomas Gordon, Attor.-General, John Barclay, Clk. 2 pp.

695. iii. Proceedings of Court of Sessions, held at Midletown, County of Monmouth, March 26, 1700. Eleazar Cotterall, being called for a jurymen, made some objection against the authority of the Court. The Court commanded the Sheriff to take him into custody. Richard Salter refusing and denying the authority of the Court, was also ordered into custody. James Bollen, the former Clerk of this County, being called to deliver up the books, papers and records of the Court to the present Clerk, did positively refuse, unless the Court would give him bond to save him harmless for the summe of 10,000*l*. The Court dismissed all such persons who were returned on the Grand Jury and appeared, and were willing to serve their King and Country. Cotterall was fined five pounds and Salter fifteen for their contempt of Court. John Ruckman, senr., John Bray, John Wilson, jr., Daniel Hendrickson, John Cox's, Richard Davis, Mordicay Gibbons, Nicholas Stivans, and Mosses Lippet fined 2*l*. each for their contempt of Court. *Copy*. 2 pp.
695. iv. Copy of proceedings of Court of Sessions of Elizabeth Town, County of Essex, March 12, 1700. Samuel Carter, appearing in behalf of himself and his neighbours, in an insolent and contemptuous manner railed and disowned the authority and power of the Court, calling the President (*William Sandford*) William Rascall, challenging him and the rest of the Justices out of the Court, often giving the President the lye, and bidding him kiss his * * * *, etc., etc. Ordered that the High Sheriff take him into custody, and that the matter be represented to the Governor and Council. The Court adjourned till next day, which was done, but attended with almost a general noise and hollowing, with unseemly actions and insolent gestures, which seemed rather to look like a Rebellion than otherwise. The persons most forward in this contempt were Saml. Whitehead, Benjamin Price, Ephraim Clarke, Saml. Potter, John Luker, William Luker, Joseph Haines, Jonathan Haines and John Willes. 2 pp.
695. v. Proceedings of a Court of Enquiry held at Shrowsberry, County of Monmouth, Aug. 27, 1700. Justices, Lewis Morris, President, Samuel Leonard, Jedidiah Allan, Samuel Denis, Antony Pintard. The Grand Jury (John Reid, Jeremiah Stilwell, John Slocum, Thomas Hewit, Abiah Edwards, John West, John Leonard, Alexander

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Adam, Thomas Webly, Patrick Cannan, James Melven, Petter Emley, Samuel Hopemyre, William Lawtone, William Foge) presented Richard Salter, John Bray, James Stout, David Stout, Benjamin Stout, Cornelius Compton, William Bowne, Thomas Taylor, Thomas Harikison, Jacob Vandorne, Arian Bennet, Thomas Sharp, Benjamin Cook, Robert Innes, Thomas Estal, and Samuel, a servant to Salter, for riotously assembling on July 17 and assaulting John Stewart, High Sheriff, and Henry Leonard near the house of Alexander Adam, beat and grievously wounded the said persons, tak their swords from them, brak them, caryed them away and kept them to the value of 5*l*. Signed, John Reid, Foreman, on behalf of the rest.
1½ pp.

695. vi. Proceedings of a Court of Sessions held at Newark, County of Essex, Sept. 10, 1700. The Court being opened, Saml. Carter demanded by what authority they sat. The President replied, by the King's. The Court demanded security of Saml. Burwell for the maintenance of his bastard child, and upon his refusal, required the Constable to take him into custody. Whereupon, the Constable was set upon by Thomas Johnson, Saml. Carter, Jos. Burwell and others, the President, Wm. Sandford, pulled off the Bench by Abra. Hettfield and Daniel Craine, and his hat and wig halled off his head by Hettfield, the Clerk of the Court also grossly abused, in particular by John Luker, who struck him with greate violence with his fists, Wm. Luker, junr., with a stick, and John Clerke tore his wig from of his head, the President also having had his sword taken from him by Daniel Craine and broke in pieces, the rest of the Justices grossly abused, some their clothes torn off their backs, with many other abuseful words and actions received from the Rabbell of Elizabeth Town. Burwell reskewed out of the Constable's hands made his escape. The Constable grossly abused, pulled by the hair and his staff thrown out of door, the President being struck three blows, two of which ponches in the breast, and one in the face. The Rabble consisted of neere 60 horse (*names given*). The Sheriff, Robert Smith, also grossly abused. The Court adjourned to the house of Mr. Theophilus Pearson, J.P., next day at 6 a.m., when a Grand Jury (*names given*) was empanelled, who presented many of the inhabitants of Elizabeth Town riotously disturbing the Court of Sessions as aforesaid. A Jury of Enquiry (*names given*) was for Sept. 12. John Johnson's evidence, that the Sheriff was satt [*?* set] upon by severall men from Elizabeth Town, Sept. 12, and robbed of the keys of the prison and the prisoner taken out of his custody. The Jury presented the names of his assailants. Depositions of

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Zachary Burwell, jr., Paul Day and John Gardner, as to the assault by a great company of men on horseback with clubs in their hands. *Copy. Examined and signed*, Georg Jewell, Clk. of the Peace, and Thomas Gordon, Dep. Sec. and Regr. 10½ pp.

695. vii. Copy of proceedings at a Court of Sessions, Middletowne, County of Monmouth, March 25, 1701. Mosses Butterworth, who was accused of piracy and had confessed that he did sail with Capt. Kid in his last voyage, being examined, one Saml. Willet, Inholder, said that the Government and Justices had no authority to hold Court, and that he would break it up, and went downstairs to a company of men then in armes, and sent up a Drummer, one Thomas Johnson, into Court, who beat upon his drum, and several of the Company came up with their arms and clubs, which together with the drum-beating continually made such a noise (notwithstanding continual open proclamations made to be silent and keep the King's peace) that the Court could not examine the Prisoner, and when there was betwixt 30 and 40 men come up into the Court, some with their arms and some with clubs, Benjamin and Richard Borden attempted to rescue the prisoner. The Constable and Under-sherrif apprehended them, whereupon they were assaulted (the Drum still beating and the people thronging upstairs with their arms) and the Bordenes rescued. Upon which the Justices and King's Attorney-General, after commanding the King's Peace to be kept, and no heed being given thereto, drew their swords and endeavoured to retake the prisoner and apprehend some of the persons concerned, but was resisted and assaulted, and the examination of the prisoner torn in pieces. In the scuffle both Richard and Benjamin Borden were wounded, but the prisoner made his escape, and the people, to the number of about 100, did traitorously seize the Governor, the Justices, the Attorney General, Under Sheriff and Clerk of the Court, and kept them close prisoners from March 25 till March 29, and then released them. *Copy, certified by* Gavin Drummond, Clk., Thomas Gordon, Dep. Secretary. 2 pp. [C.O. 5, 1261. Nos. 15, 15 i.-vii.; and (without enclosures) 5, 1289. pp. 155-167.]

Aug. 5. 696. Minutes of Council of the Massachusetts Bay. Choice of a Judge of Probate for Suffolk County adjourned unto tomorrow.

Will of William Davies, late of Boston, Mariner, was proved by his widow.

Aug. 6. Choice of a Judge of Probate was further adjourned.

Aug. 7. Nathaniel Byfield was chosen one of the Justices of the Inferior Court of Common Pleas in the County of Bristol in the room of John Saffin, one of the Justices of the said Court.

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Choice of a Judge of Probate adjourned unto to-morrow.

Order signed directing Capt. George Turfrey, Commander of H.M. Fort Mary at Saco, to set the Fort in order for defence.

Order signed, directing Col. John Hathorne, Lieut.-Colonel John Higginson, and Major Stephen Sewall to take effectual care, that the Fort at the town of Salem be forthwith repaired and set in good order for defence, after the best manner that may be, with the expence of 100*l.* granted for that use by the Assembly, and a further 100*l.* to be expended by the town of Salem for that use, and in like manner to take care that for the future the said Fort be kept in repair.

Sailing Orders to Capt. Crowe, H.M.S. *Arundel*, for a cruise for 10 days in the Station formerly assigned him, were drawn up and signed. [*C.O.* 5, 788. *pp.* 76, 77.]

Aug. 6.
Whitehall.

697. Council of Trade and Plantations to the Lords Justices. Having already laid before H.M. the draught of a Commission for the Lord Cornbury to be Governor of H.M. Province of New York, we herewith in further prosecution of H.M. Commands humbly lay before your Excellencies a draught of Instructions for him in the execution of that Commission, upon which we humbly crave leave to observe that the alterations we have made in this draught from the Instructions formerly given to the Earl of Bellomont are either such as have been approved by H.M. in the Instructions given to Governors of other Plantations, and which have the same reason in relation to the Government of New York, or such as we have prepared in pursuance of H.M. directions given upon several occasions to the Earl of Bellomont during his administration, and which we humbly conceive proper to be continued to the Lord Cornbury. And we further add, in reference to his Lordship's salary, that the summe allowed to former Governors of that Province has been 600*l.* sterl. per annum. But not having had any Orders thereupon, we have left a blank in that Article, to be filled up by your Excellencies' direction. *Signed*, Ph. Meadows, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 1118. *pp.* 398, 399; and (*rough draft*) 5, 1079. *No.* 76.]

Aug. 6.
Whitehall.

698. Council of Trade and Plantations to Mr. Secretary Vernon. We take the liberty to send you the enclosed extracts of the several advices we have received from New York in relation to masts and ship timber to be sent from thence, to the end that, if you think fit, the same may be communicated to the Lords of the Admiralty, and that upon those several advices compared together, the most proper directions may be given in that matter. *Signed*, Ph. Meadows, Abr. Hill, Mat. Prior. [*C.O.* 5, 1118. *pp.* 397, 398; and (*rough draft*) 5, 1079. *No.* 75.]

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Whitehall.

699. Council of Trade and Plantations to Sir Thomas Laurence, Bart., giving Instructions as Secretary of Maryland. *Signed*, Ph. Meadows, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 726. *pp.* 90-92.]

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700. Journal of Council of Trade and Plantations. Letter from Lieut.-Governor Nanfan, June 9, read, and papers enclosed laid before the Board. Upon consideration of a paragraph in the said letter relating to ship-timber, a letter was writ to Mr. Secretary Vernon enclosing an extract thereof, with extracts of what Lord Bellomont writ Nov. 28, 1700, and Mr. Livingston May 13 last.

Petition of Matthew Plowman, relating to a parcel of provisions long since had of him for the service of the frontier-garrisons of New York, read. Ordered that, whensoever he calls he may be told their Lordships have already done what was fit for them, and that if he do not find the effect thereof, which he expected, he may do well to seek his further remedy in course of law.

Draught of Instructions for the Lord Cornbury finished. Representation signed, wherewith to lay it before their Excellencies.

Order of Council, July 31, read. Ordered that the Secretary write to Mr. Thornburgh for a copy of the Lords Proprietors' Grant of the Bahamas for Wensday next.

Order of Council, July 31, relating to the colours to be worn by ships commissioned by Governors, read. Copies ordered to be sent to the respective Governors.

Order of Council, July 31, relating to stores of war in Jamaica, read.

Their Lordships having now had opportunity to discourse with Mr. Randolph upon his own and the Custom House papers, mention'd in the Minutes of July 3, ordered that the first article of Instructions, enclosed in Mr. Savage's letter of July 24, be added to those copies of the Instructions relating to Trade prepared by the Commissioners of the Customs, which are to be given from time to time to the Governors upon the Continent of America.

Aug. 8. Letter to Sir Thomas Lawrence, pursuant to the Minutes of July 30, signed. [*Board of Trade. Journal, 14. pp. 126-129.*]

Aug. 6. **701.** Minutes of Council of Virginia. It is the opinion of H.E. and Council that the occasion of calling this Assembly and wt. H.E. hath thereupon to deliver to the House of Burgesses for their consideration be deferred till to-morrow morning, being now very late and in hopes then there will be a fuller Council, and that H.M. letter, Jan. 19, Governor Nanfan's letter, May 20, and Mr. Secretary Vernon's letter, March 4, be all laid before ye house of Burgesses.

Aug. 7. Whereas by several advices from England a general war is threatened, wherein H.M. our dread sovereigne and his Kingdoms and Dominions are likely to be deeply engaged, and ye General Assembly being now assembled together to advise wt. may best tend to ye advancement of Religion and piety, the interest of H.M. and the defence, safety and security of this Dominion, ordered that a Proclamation be drawn enjoyning a day of fasting and humiliation on Aug. 13 for Williamsburgh and the parts adjacent, and Aug. 27 for the rest of Virginia, to implore the

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blessing of Almighty God for the preservation of the Protestant Religion, H.M. Royal person, a prosperous success upon the consultation of this present General Assembly, and the peace and quiet of this country.

Aug. 8. The above Proclamation was read and sealed.

Tho. Holt, of Surrey County, gent., presenting a petition praying for the post of Clerk for the Committee of Propositions and Aggrievances, vacant by the death of Mr. Barth. Fowler, he being Sheerif of Surrey, and it not being known how long the Assembly may sit, the petition was rejected.

Representation of the Committee for Revisal of Laws concerning an assistant, referred to the consideration of the House of Burgesses.

Aug. 9. Adjourned till to-morrow. [*C.O.* 5, 1409. *pp.* 142, 143.]

Aug. 6. **702.** Minutes of Council in Assembly of Virginia. Lieut.-Colonel Geo. Mason was sworn a Burgess. *See preceding abstract under date.*

Aug. 7. The House of Burgesses attending, H.E. addressed them. He delivered to them the letters mentioned Aug. 6. "I doe earnestly recommend to you maturely and deliberately to take into your most serious consideration these H.M. Commands for ye security of this H.M. most ancient and great Colony and Dominion of Virginia. I intend (God willing) to lay before you what with the advice of the Council I have already done in that affair, as likewise several propositions by God's assistance towards fully effecting ye same. The Gentlemen of the Committee for Revisall of ye Laws have represented to me ye great want they had of an Assistant, wch. shall be sent you, with what was done in Council about that affair. I have endeavoured to accommodate you with a place to sit in, as also for ye Committees, and if there be anything still wanting (wch. I doubt there may) I desire you would either let me know it or give directions to the workmen to have it done. Myself and H.M. Council (more of which I daylie expect) doe intend (God Willing) as occasion offers either to speake with you or send to you.

We have ordered the foundation of the Capitol to be laid to-morrow, if you have nothing to offer to ye contrary. But for ye more speedy and well doeing thereof, I propose that you would appoint a Committee to joyne with a Committee of H.M. Council, and if possible to sit this day, and when they do I will tell you some remarks I have made upon ye workmen, and will offer something to them towards ye well regulating of them, as likewise ye sd. Building. I would have done this affair with more ceremony, but ye state of affairs in Europe, and how many things seem to portend a general war, wherein H.M. and his Kingdoms will be like to be very deeply engaged (for it must be acknowledged that His most sacred Majesty by his inimitable wisdom, courage and conduct is ye arbiter of Peace and War there, as well as ye ballance thereof). And considering further the many weighty affairs that will lie before the Assembly this Session, I have appointed a Fast to be kept. And I don't in the least

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doubt but that you will readily comply with us therein etc. *And see preceding abstract under date.*

The House agreed to the laying the foundation of the Capitol and to the appointment of a joint Committee for the better doing thereof.

Aug. 8. The Committee made their report for the better management of the workmen employed upon building the Capitol. *See preceding abstract under date.* [C.O. 5, 1409. pp. 345-349; and pp. 463-467.]

Aug. 6. **703.** Journal of the House of Burgesses of Virginia. *See preceding abstract under date.*

Aug. 7. *See preceding abstract under date.*

Mr. Bray granted leave of absence.

Ordered that John Sincock be sent for in custody of the Messenger to answer his misdemeanour in coming down private stairs into the House and passing through when the House was sitting.

Aug. 8. Upon reading his humble petition, he was sharply reprimanded, and then discharged, paying fees.

Leave given to Mr. Harrison to go to the country for his health.

H.E. summoned the Assembly and recommended them to take some speedy care in the perfecting the Revisal of the whole body of the Laws according to H.M. commands. *And see preceding abstract under date.* [C.O. 5, 1408. pp. 133-140.]

Aug. 7.
Whitehall.

704. William Pople to Mr. Thornburgh. Your letter of July 29 has been laid before the Lords Commissioners for Trade and Plantations, wherein you express your remembrance and your persuasion in a matter concerning which they did expect you would have wrote more positively, and do yet wonder that you have not done it in all this time. Some papers transmitted from the Bahama Islands, relating to obstructions given to the settling of the Admiralty Court there, in pursuance of the Commission sent thither by the Admiralty, having been referred to the Board, their Lordships desire you to furnish them with a copy of the grant of those Islands to the Lords Proprietors thereof by Wednesday next. [C.O. 5, 1289. p. 154.]

Aug. 7. **705.** Minutes of Council of New York. Petition of John Baptist van Eps and Lawrence Claese read, desiring a patent under the seal of the Province for five small islands in the Mohogs' Country, containing about $7\frac{1}{2}$ acres, between Rosendall and Marteryers, the said Islands being given to them by the Five Nations in their last Conference with the Governor at Albany, which was granted unto the quit-rent of a racoon skin yearly to H.M.

4l. 14s. 6d. paid to Jan Baptist van Epe for his attendance on the Governor at Albany as interpreter for 14 days. [C.O. 5, 1184. pp. 570, 571.]

Aug. 7. **706.** Minutes of Council in Assembly of the Massachusetts Bay. Resolve of the Representatives, that this Court having

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ordered the sum of 6,000*l.* to be emitted in Bills of Credit, and the Treasurer not having Bills sufficient in his hands, he be directed to imprint and emit so many Bills of Credit in suitable sums as, with what he had, shall make up 6,000*l.*, and that the Treasurer and Capt. Andrew Belcher sign such Bills, was sent up and read. The Board refused their concurrence.

Heads of Instructions for the Agent were read and agreed upon with some alterations and additions.

Address to H.M., passed by the Representatives, was read and concurred with.

Allowances ordered to be made to Wait Winthrop, Elisha Cooke and Penn Townsend.

Aug. 8. The answer of Wait Winthrop, presented in writing, for accepting of the Agency for this Province, and containing several proposals relating thereto, being returned from the Representatives, only with a notation of its having been read, was again read, and upon debate, was withdrawn by himself. The Address to H.M. and Instructions for the Agent were signed.

Resolved, that further application be made to Mr. Willard's Church for their consent to his going to reside at Cambridge to take care of the College.

Answer prepared to Sir Henry Ashhurst, Bart., and Constantine Phips, read and sent down.

Aug. 9. The Address to H.M., with a memorial to accompany the same, and a Commission and Instructions to Wait Winthrop as Agent for this Province, were signed and sent down to the Representatives, and were returned signed by the Speaker.

Resolved that 500*l.* be advanced to Wait Winthrop for his service in the Agency, and 500*l.* more when the Council see there is need.

Resolved that it be left with the Council to order what shall be further necessary for the settlement of the College, until the next assembling of this Court, and that, if it may be, the person who shall have the Chief Government of the College reside there, and perform the service that hath formerly been discharged by Presidents.

Petition of Col. Romer, and Thomas Brattle, of the Committee for the care of the Fortifications making on Castle Island, complaining of some obstruction in managing of the said affair, was read, and they and the Captain of the Castle were heard thereupon. Agreed that the Council visit the Castle on Munday.

A Message was sent to the Representatives to propose the consideration of a farther supply for the support of ye Agency.

The House of Representatives moved that a General Fast be observed throughout the Province on Thursday, Sept. 18.

Order signed for proroguing the Court unto Wednesday, Sept. 3, and the Court was prorogued accordingly. [*C.O.* 5, 788. pp. 307-310.]

[? Aug. 8.] **707.** Attorney General to the Council of Trade and Plantations. I have considered the Laws passed in the General Assembly of Nevis, Feb. and March last (*enumerated*), which I

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conceive are agreeable to Law and Justice, and do not contain anything prejudicial to H.M. Royal Prerogative, except that the Act for better securing the Island against all assaults, alarms etc., and for repairing the breastworks around paths lays penalties on every person above 14 years of age and under 60 that shall neglect or refuse on notice by beat of drum or otherwise to appear in arms at the place of rendezvous (sickness only excepted), and doth not allow other just reasons, which seems unjust, and the penalties are to be increased on every default *in infinitum*, which seems unreasonable. And for that by the said Act, if servants offend by not attending for their masters wth. arms, for small offences they are subjected to corporal punishment not exceeding tying neck and heels together; and for greater offences they are to be tryed by Feild Officers and Captains, and such punishment to be inflicted on them as they in their discretion shall order, whereby they are enabled to take away the lives of such offenders by Martial Law in time of Peace, which I conceive is contrary to the Law of England; except likewise the Act to prevent Debtors from going off without paying or securing their debts to be paid, and servants and slaves from being clandestinely carried off from the Island, which enacts that Masters and Owners of vessels arriving in, or belonging to any Port of the Island, shall give bond with one sufficient surety of 1,000*l.* penalty to H.M. for the use of the person or persons who shall be injured thereby, which I conceive is unreasonable in regard Masters of Ships cannot tell who are in debt, and the condition of the Bond required by that Act is not ascertained, and the requiring such bond may discourage persons from trading to the said Plantacion. *Signed*, Edw. Northey. *Endorsed*, Recd. 8th. Read Aug. 20, 1701. $1\frac{1}{2}$ pp. [C.O. 152, 4. No. 41; and 153, 7. pp. 223-226.]

Aug. 8. **708.** Copy of letter of credit from the Treasury for Vice-
The Treasury Admiral Bembo to several Governors in America. *Signed*, Godolphin, Ste. Fox, Richd. Hill, T. Pelham. *Endorsed*, Recd. 11th, Chamber at Whitehall. Read Aug. 13, 1701. 2 pp. [Board of Trade. Plantations General, 5. No. 103; and 36. pp. 21, 22.]

Aug. 8. **709.** Memorandum of preceding. Slip. [C.O. 137, 5. No. 44.]

Aug. 8. **710.** Memorandum of Copy of a Letter of Credit from the Treasury for Admiral Bembo to the Governor of Barbadoes, dated Aug. 8, 1701. *Endorsed*, Recd. 11th. Read Aug. 13, 1701. Slip. [C.O. 28, 6. No. 10.]

Aug. 8. **711.** Memorandum of similar letter to the Governor of Virginia. $\frac{1}{4}$ p. [C.O. 5, 1312. No. 15.]

Aug. 8. **712.** Memorandum of similar letter of credit to the Governor of the Massachusetts Bay. $\frac{1}{4}$ p. [C.O. 5, 862. No. 72.]

Aug. 8. **713.** Memorandum of similar letter to the Governor of the Leeward Islands. Slip. [C.O. 152, 4. No. 40.]

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- Aug. 8. **714.** Minutes of Council of the Massachusetts Bay. Elisha Cooke was chosen for Judge of the Probate etc. within the County of Suffolk.
- Aug. 9. Commissions were signed for Wait Winthrop, Chief Justice of the Superior Court, John Saffin, Justice of the said Court, Nathaniel Byfield, Justice of the Inferior Court of Common Pleas in Bristol, and Elisha Cooke, Judge of Probate, Suffolk County. [*C.O.* 5, 788. *pp.* 77, 78.]
- Aug. 9. **715.** Minutes of Council in Assembly of Virginia. The Clerk of Assembly informing H.E. that ye House of Burgesses had adjourned till Monday, the Council also adjourned till Monday at 9 a.m. [*C.O.* 5, 1409. *p.* 467.]
- Aug. 9. **716.** Journal of the House of Burgesses of Virginia. Miles Cary junr. appointed Clerk of the Committees for Election and Privileges and for Claims. Doorkeepers continued, and the Orders of the House read and approved. Ordered that the House be called over as often as shall be thought convenient, and that those members that shall be wanting in their duty of attendance be liable to the censure of the House. Fifteen members with the Speaker to be a sufficient number to adjourn.
- William Jones appointed Clerk to the Committee for Propositions and Grievances.
- Ordered that the Committees have power to adjourne themselves *de die in diem*, and to send for persons, records etc. they shall have occasion for.
- Ordered that all propositions, grievances and public claims be brought into the House on Aug. 18, or not to be received into this Sessions without particular leave of the House. Notice to be published of this resolve.
- Petition of William Drew rejected.
- Leave given to Mr. William Armistead to go into the country.
- Petition of the Minister, Church Wardens and Vestry for Lownes Creek Parish in the County of Surrey referred to the Committee of Grievances.
- Memorial of Capt. Passenger referred to the Committee of Claims. Several public claims referred to the same Committee. [*C.O.* 5, 1408. *pp.* 140-143.]
- Aug. 11. **717.** Governor, Lord Grey to Mr. Eyles. I have the favour of yours together with the enclosed petition and stated case of Mr. Secretary Skene, wh. was not a little surprising to me after the many repeated civilities I had shewn him, as he came recommended by Mr. Secretary Vernon and Mr. Yard. I send you several Minutes of Council relating to his weaknesse and incapacity for such an employment, also the report of the Attorney and Solicitor General upon a quere put to them by myselfe and Council, by which Minutes of Council you will see what difficulties wee dispensed with in favour to him, and when at last he found and was truly sensible of his own weaknesse, he mov'd that Mr. Bedingfield might be admitted to act as his Deputy, and

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prevailed upon him to be sworn when the Council was sitting to officiate for him. You will find that after Bedingfield had condescended upon his so sudden request without any manner of contract or agreement, that even then he would not come to any reasonable terms with him, wherefore he petitioned myself in Council, that he might be discharged from the said Trust, wch. was accordingly granted him. After this, he moved several other persons to act for him, who were deemed no waies fitt for such an undertaking, and in a manner as much incapable as himselfe. After a little while, he moves again for Mr. Bedingfield to act, but could not prevail upon him with such slight terms as he proposed, viz. 60*l.* a year, but considering what delays wee had met with, both by his unreadinesse in reading, writing and digesting into Minutes, I privately promised Bedingfield for his better encouragement out of my own pocket 40*l.* a year, wch. in all makes 100*l.*, wch. he accepted and was again swore (*sic*), and has ever since Feb. 4 acted and received and continues to receive from me after the rate of 40*l.* a year. Now let the world guesse whether or no I have been a friend to this man. As to what he pretends about a part of his office being taken from him and lodged with Mr. Bedingfield, I inclose a copy of an Article in H.M. Instructions to me, which declare them to be mine as Ordinary, and which I had long ere this endeavour'd to satisfy him of, however it seems that did not satisfy him, and because for some years past the public and private Secretaries have, by consent of the Governor for the time being, been managed by one person, therefore this Gent. will have it that all belongs to him. I have lately sent a copy of that part of the King's Instructions to Mr. Yard. Notwithstanding such his petition, he has some time since treated with Mr. Bedingfield and given him a general release as appears by the inclosed copy attested by himself. If you shall happen to hear any more of this matter, I desire you will do me the justice to satisfy the world by shewing them this letter, together with what's inclosed. *Signed*, R. Grey. *Endorsed*, Communicated by Mr. Eyles. Recd. 20th, Read Nov. 28, 1701. 2½ pp. *Enclosed*,

717. i. Copy of a release granted by Alexander Skene to Edmund Bedingfield, for occupying the office of Secretary of Barbados, upon certain payments. Barbados, April 14, 1701. Attested by Edward Chilton. 2¼ pp.

717. ii. Minutes of Council of Barbados relating to Alexander Skene. Sept. 25, 1700—Feb. 4, 1701. 5½ pp.

717. iii. Extract of H.M. Instructions, Art. 46, to Governor Grey. ½ p. [*C.O.* 28, 6. Nos. 11, 11.i.—iii.]

Aug. 11. 718. Minutes of Council of Bermuda. The original accounts of Edward Jones were examined, and it plainly appearing that at the time of the auditing them in the Government of Col. Day, there was not a full Council, and that Jones was one of the Members of the same, and the accounts appearing obscure, obliterated and much defaced, it is the opinion and advice of this Board, that they were not fairly and justly audited and adjusted,

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and therefore ought to be re-examined, audited and adjusted by this Board.

Dr. Kendall's petition for allowance for the last Assizes Sermon was not allowed. His salary was paid, and other items.

The Committee of the Assembly was adjourned till the 18th. Ordered that Capt. Jones deliver up, on oath, all bail bonds, commitments etc. [C.O. 40, 2. p. 42.]

Aug. 11. **719.** Minutes of Council of Virginia. Petition of Theodoric Bland, Surveyor of Charles City County, referred.

Aug. 12. H.E. laid before the Council H.M. letter, May 19, 1701, concerning divers Protestants now lately arrived in this Colony in the *Wm. and Elizabeth*, and other papers relating to that subject. Ordered that they be laid before the Burgesses.

Two silver bowls being sent hither by the Bishop of London one to Mr. Dejoux, Minister of the French at Manakin Town, now called King William's parish, and the other to Mr. La Tannée, the other Minister, who has gone to Rappa. to officiate therein, ordered that both bowls be delivered to Mr. Dejoux for the use of the French Church in Manakin Town.

William Clay, master of the Briganteen *Endeavour*, deposed that he saw a man named Tho. Welsh in Carolina, who said he came down from the Chickasass and had been at Michisipy, where he said the French are settled, and have a strong Fort upon an Island in ye middle of the River, and also store of cows, mares, hoggs and sheep. He thinks there are 200 men, and if the Governor of Carolina would give him leave, he would go down with some Indians and hinder them from settling and trading. Clay also saw a French man-of-war of 60 guns at Statem Island near New York, July 10, 1700, having a great many cows, mares, hoggs and sheep on board. The Capt. said that he came from Mechisippy, and was going thither again, and that he was supplied by his countrymen there. On June 1st or 2nd last 20 French men came down Carolina in Indian dress to look for trade, and promised to bring down a great deal of beaver in three months' time, and the Governor of Carolina gave them leave to go back again. In Carolina they are provided, if war breaks out, with five sail they intend to fit out, and four Perreaugers (*piraguas*), and 200 men by water, and by land 400 Indians, and 100 horse to tack St. Augustine.

Ordered that the French certificate be left here that it may be transmitted for England. [C.O. 5, 1409. pp. 143.A., 144.]

Aug. 11. **720.** Minutes of Council in Assembly of Virginia. Wm. Jones sworn Clerk of the Committee of Propositions and Grievances.

Aug. 12. Concerning the French Refugees, the Burgesses replied that they had resolved that these Protestants have liberty to dispose of themselves as they think fit, with which H.E. and Council concurred. Ordered that the French Gentlemen be acquainted therewith. [C.O. 5, 1409. pp. 468, 469.]

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Aug. 11. **721.** Journal of House of Burgesses of Virginia. Several Claims and Grievances referred to Committees.

Aug. 12. Ordered that Mr. James Catlett, a Member, be sent for in Custody of the Messenger to answer his default in not attending. H.E. Speech considered.

Ordered that the Clerk bring into the House the former proceedings of the Burgesses etc. relating to the quota of men formerly required for New York.

Letter of Daniel Cox, to H.E., April 8, 1701, read, with other papers relating thereto.

Petition of Alexander Swan, late Sherif of Lancaster County, referred to the Committee of Claims.

And see preceding abstracts. [C.O. 5, 1408. pp. 143-147.]

Aug. 12.
Boston.

722. Mr. Addington to Mr. Popple. *Repeats substance of letters of July 9 and 10 announcing death of Lieut.-Governor Stoughton.* Since which the General Assembly have met and prepared an Address with a Memorial to be humbly presented to H.M. by the hand of Wait Winthrop, who they have constituted their Agent. I suppose he will enter upon his voyage sometime in the Fall of the year, if a settlement arrive not to us before, which may alter the present measures. We are greatly alarm'd with the rumours of the probability that a new war will open with France, and are preparing what we are able to set our fortifications in order for defence. No letters or orders from the Court have arrived to the Government here of any later date than of the 2nd of Feb. last. 'Tis hoped that consideration will be had of the import of the Lieut.-Governor's letters written but a short time before his death, wherein representation is made of the circumstances of the Province in reference to war, and the supplies necessary to be afforded. We continue in present quiet, and have no notice of a Declaration of War, and it is a great happiness to us in our present unsettlement that it is kept off. We are in expectation by the next shipping from England to understand something of H.M. pleasure relating thereto. I am preparing the Minutes of Council and Journals of the General Assembly, with the late Acts and Laws to be transmitted to your Board. I forwarded some, which are probably arrived by this time. *Signed,* Isaac Addington. *Endorsed,* Recd. 6th, Read Oct. 7, 1701. 2 pp. [C.O. 5, 862. No. 73; and 5, 909. pp. 468-471.]

Aug. 12.
Council
Chamber,
Whitehall.

723. Order of Lords Justices in Council. Approving of the Draught of Instructions for Brigadier Selwyn, together with a particular draught of Instructions for him in pursuance to the Laws of Trade and Navigation, prepared by the Council of Trade, and directing Mr. Secretary Vernon to have them prepared for their Excellencies' signature. *Signed,* John Povey. *Endorsed,* Recd. Read Aug. 20, 1701. $\frac{3}{4}$ p. [C.O. 137, 5. No. 47; and 138, 10. p. 277.]

Aug. 13. **724.** Draught of Instructions for Brigadier Selwyn, Governor of Jamaica, relating to the Acts of Trade and Navigation, *referred to in preceding.* [C.O. 138, 10. pp. 246-273.]

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Aug. 12.
Whitehall.

725. Order of Lords Justices in Council. The Council of Trade and Plantations are to prepare an additional Instruction to Brigadier Selwyn, who is going Governor to Jamaica, that such of the stores as are now furnished him by the Board of Ordnance, according to the Schedule hereunto annexed, be not delivered out, but upon absolute necessity, unless the Assembly of that Island take care to reimburse the Board of Ordnance the cost of the same. *Signed*, John Povey. *Endorsed*, Reed. Read Aug. 13, 1701. $\frac{1}{2}$ p. *Enclosed*,

725. i. List of Stores to be sent to Jamaica. *Includes* 1,000 muskets, 600 Trench tents, 100 barrels of powder etc. $\frac{3}{4}$ p. [C.O. 137, 5. Nos. 45, 45.i.; and 138, 10. pp. 244, 245.]

Aug. 14. **726.** Draught of additional Instruction to Governor Selwyn, *as ordered above. Annexed*,

726. i. List of stores *as above*. [C.O. 138, 10. pp. 274, 275.]

Aug. 13.
Whitehall.

727. William Poppel to Edward Northey, Attorney General. By order of the Council of Trade and Plantations, I enclose the Acts past in the General Assembly of Nevis, May and June last, for your opinion in point of law. *Annexed*,

727. i. List of Acts referred to above. [C.O. 153, 7. pp. 211, 212.]

Aug. 13. **728.** Journal of Council of Trade and Plantations. Letters from Governor Nicholson, June 24, read.

Letter from Governor Blakiston, April 8, read. Lists of inhabitants therein mentioned (being 14 great packets) were laid before the Board.

Draught of a Circular Letter to H.M. Governors relating to ships' colours, agreed upon.

Letter from Mr. Savage, Aug. 5, read. Copy ordered to be sent to Capt. Bennet, signifying further to him that this Board do concur with the Commissioners of the Customs in that matter, as thinking their officer the fittest person to take care of the whole, whose duty it is to take care of part of it.

Copy of a letter of credit, writ by the Lords of the Treasury in favor of Capt. Bembo, Aug. 8, upon occasion of his sailing with a squadron to the West Indies, read and ordered to be entered.

Memorial from Eleanor Corbett, widow (Aug. 5), read. Memorandum of her desire ordered to be kept, and, the better to prevent any surprize, that a copy of her memorial be also sent to Col. Codrington.

Memorial from Mr. Randolph relating to a case wherein a Deputy Collector of New Hampshire, Mr. Sheafe, is concerned, and praying that the same may be recommended to Col. Dudley, when he shall have his dispatches for his Governments in those parts, read. Ordered to be recommended accordingly.

Memorial from Lewis Morris read, and papers enclosed laid before the Board.

The Secretary acquainted their Lordships that Mr. Secretary

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Vernon having required from him a copy of the Instructions prepared for Brigadier Selwyn to be laid before the Lords Justices yesterday in Council, he had accordingly delivered to Mr. Secretary a copy thereof, together with a copy of his Instructions relating to the observations of the Acts of Trade.

Order of Council, Aug. 12, read. Directions given for preparing an additional Instruction to Brigadier Selwyn accordingly.

Several Acts past by the General Assembly of Nevis in May and June last being now brought hither by Col. Jory, ordered that the same be sent to Mr. Attorney General for his opinion.

Mr. Attorney General's report upon the Acts of Assembly of Jamaica, June 27, 1699, read. Several of the said Acts read and considered; and there having some while since a caveat been entered in this office, against the Act to oblige the parish of St. Catherine's and St. Andrews to build a bridge over the River Rio-Cobre, ordered that Mr. Cobb, the Solicitor who brought it, have notice to attend.

Aug. 14. Circular Letters to Governors about ships' colours signed.

Representation, wherewith to lay before their Excellencies a draught of Instructions for the Lord Cornbury relating to Trade, was signed.

Draught of an additional Instruction for Brigadier Selwyn was approved, and delivered to Mr. Secretary Vernon.

The remainder of the Jamaica Acts read. Mr. Cobb, attending, and desiring time to put in his objections against the Act referred to above, because of the absence of Mr. Chaplain, one of the parties concerned, and in expectation of receiving some papers relating thereunto from Jamaica, their Lordships agreed to suspend their opinion for the present upon that Act. [*Board of Trade. Journal, 14. pp. 130-136.*]

Aug. 14. **729.** Council of Trade and Plantations to the Lords Justices. Whitehall. In further obedience to H.M. commands in reference to the Lord Cornbury's dispatches for the Government of New York, we herewith lay before your Excellencies a draught of Instructions relating to Trade, the like whereof having upon several occasions been approved by H.M. for the Governours of other Plantations. *Signed, Ph. Meadows, John Pollexfen, Abr. Hill, Mat. Prior.* [*C.O. 5, 1118. p. 400; and (rough draft) 5, 1079. No. 77.*]

Aug. 14. **730.** Circular Letter from the Council of Trade and Plantations to the Governors of H.M. Plantations in America. Their Excellencies the Lords Justices having been pleased by Order in Council of July 31 to give certain directions relating to the Colours to be worn by ships commissioned by the Governors of H.M. Plantations, whereby to distinguish the said ships at once from ordinary merchantmen and also from H.M. ships of war, we send you here enclosed a copy of their Order, that you may observe the same in H.M. of under your Government. *Signed, Ph. Meadows, John Pollexfen, Abr. Hill, Mat. Prior. Memorandum, The above letter mutatis*

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mutandis was writ to the Governors of New Hampshire, Massachusetts, New Yorke, Maryland, Virginia, Jamaica, Leeward Islands, Barbados, Bermudas. [*Board of Trade*. Plantations General, 36. pp. 23, 24.]

- Aug. 14. **731.** Minutes of Council of the Massachusetts Bay. Warrants signed for paying Elizabeth Monk, Taverner in Boston, 8*l.* 10*s.* for a publick dinner on Wednesday May 28, being the day for the election of Councillors or Assistants for the year then ensuing; and to Edward Bedford of Boston, Taverner, 27*s.* 6*d.* for the entertainment of 17 soldiers sent from Col. Wainwright's regiment for enforcing the Castle, May 10 last; and to Henry Franklin 4*l.* for piloting H.M.S. *Arundel* from Nantasket to Boston, May 3, and to Nantasket, Dec. 20, foregoing.

Whereas the General Assembly, May 28 last, did resolve that the remaining debts, contracted by the Public during the Government of Sir E. Andros, which were reported by the Committee of Claims, together with such further debts as the Committee shall receive the claims of within the time limited, be paid out of the tax granted at said Session, and that the Committee be directed and empowered to grant Debentures upon such claims until Oct. 7, Ordered that Mr. Treasurer do accept all such Debentures as shall be drawn upon him by the Committee aforesaid.

Licence granted to Benjamin Emmons, senr., to erect an additional building of timber to his dwelling-house.

Licence granted to Giles Fifield of Boston to erect a timber building on the north side of the Street leading to the sea by Col. Hutchinson's in the said town, provided he slate or tile the roof.

Account of the charge of fitting out H.M.S. *Province* galley, referred to a Committee. [*C.O.* 5, 788. pp. 78-80.]

- Aug. 14. **732.** Minutes of Council of New York. Samuel Denton the person complained against, June 26, by Mando, a free negro woman on behalf of herself and her child, appeared, and both parties were heard. The matter was referred to John Coe, one of the J.P.s for Queen's County, Nassau Island, to enquire into and to do justice to the parties with all convenient speed.

- Aug. 15. Proclamation of H.M. March 6, 1701, relating to pirates, was read, and ordered to [*be*] proclaimed at the City Hall and affixed there for the public view.

The Governor read to the Board a letter from H.M. March 26, 1701, relating to Mr. Weaver's salary, and the letter from the Council of Trade and Plantations enclosing it, April 30.

Col. Abraham Depeyster produced an order from the Lords of the Treasury, April 25, 1701, to William Blaithewaite, Surveyor and Auditor General of the Accounts of the Revenue of this Province, commanding him to depute Abraham Depeyster to be his Deputy, which was read and he took the oaths appointed.

The Attorney General informed the Board that he hath filed with the Clerk of the Supreme Court of Judicature a suggestion for a prohibition to set aside a sentence given in the Court of

1701.

Admiralty on an Information there filed against the ship of Capt. John Wake, for trading within this Province without being legally qualified, and prayed (in order that the said Wake, or the persons employed by him might not have any room for clamour by means of being delayed until the Supreme Court of Judicature next), that a special Court may be called for the hearing, trying and determining the said matter. The Chief Justice was authorised to call a Court for Aug. 23 accordingly. [C.O. 5, 1184. pp. 571-574.]

- Aug. 14. **733.** Minutes of Council and Assembly of New Hampshire. Jeremiah Gillman (*see* July 19) appeared to give an account of public money. Ordered that he make up the said account with the Treasurer within 14 days and pay the balance to him.
James Bunker likewise ordered to pay 1*l.* 12*s.* to the Treasurer in 14 days time. Joshua Peirce also appeared as summoned. [C.O. 5, 789. p. 61.]

- Aug. 14. **734.** Minutes of Council of Virginia. Major William Buckner returning his report in ye deference between James Chappman and others his fellow seamen and James Westmore, Master of the *Africa* Galley, Ordered that nothing be done in that matter, but that the Clerk of the Council is ordered forthwith to send the three, who was the first sturrs up of this mutiny, on board H.M.S. *Shoreham* to be entered into H.M. service.

Hancock Custis was sworn Naval Officer of the Eastern Shore, Collector of the Virginia duties and Notary Publick for the Eastern shore, and gave bonds.

Ordered that the proceedings of H.E. and Council heretofore had concerning fortifications be laid before the house of Burgesses, and that they consider the business of ye Rangers upon the frontiers at the heads of the Rivers, and whether it may not be proper (upon any emergent occasion) that the same be vested in H.E. and ye Council, now in the time of eminent danger.

Whereas it is thought very convenient for ye better strengthening our frontiers and discovering the approaches of an [*enemy*], and saveing ye expense of continuing Rangers, that encouragement may be given to all such as will goe out and seat in a body upon our frontiers at ye head of the Rivers, Committee appointed to consider how the same shall be effected, and with what number of men at the first scituation, in wt. manner and wt. encouragements shall be to them given, that ye same may be laid before the General Assembly. [C.O. 5, 1409. pp. 144, 144A.]

- Aug. 14. **735.** Minutes of Council in Assembly of Virginia. Several propositions of the inhabitants of Charles City County read and referred to the Burgesses.

Petition of the inhabitants of Bristol read and referred to the Burgesses.

Petition of Tho. Blunt, Interpreter, for his salary referred to the Burgesses.

Petition of the inhabitants of the Upper Parish of Isle of Wight

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County that some of the inhabitants of the Lower Parish be added to them, referred to the Burgesses.

Several aggrievances of the inhabitants of Northampton County read and referred to the Burgesses.

Aug. 15. Three petitions from Mr. Chicheley Corbin Thacker referred to the Burgesses.

(*And see preceding abstract under date.*) [C.O. 5, 1409. pp. 349, 350, 469, 470.]

Aug. 14. **736.** Journal of House of Burgesses of Virginia. H.E.'s speech further considered.

Petition of Bristol County rejected.

Several Petitions referred to the Committees of Propositions and of Claims.

Aug. 15. Several matters referred to the Committee of Propositions.

Ordered that H.E. be humbly moved to cause the accounts of the Public Revenue to be laid before the House with all convenient expedition.

Committee appointed to consider the petition of Edmund Jennings, *etc.* claiming land in Pomunkey Neck.

Grievance of Accomack County, proposing an alteration of the Act for rewarding the killing of wolves, dismissed as frivolous and impertinent, as also their Grievance proposing a fine upon foreign Indians belonging to Maryland or other counties, who shall presume to hunt within the said County.

Petition of vestry of Lownes Creek Parish against the consolidation of it with the Upper Parish of Isle Wight County rejected.

Grievance from Northampton County, desiring present liberty to export Indian Corn rejected, the law already made being held well suited to this County.

Propositions from Accomack, Northampton and Isle Wight Counties, for ascertaining the value and rate of money, rejected, the matter being already under the consideration of the Committee for the Revisal of the Laws.

Proposition of Accomack County, for settling the County by way of cohabitation, read; resolved that it be not further proceeded with at present since the matter lies under the consideration of the Committee for revisal of the Laws.

Grievance from Isle Wight County, praying the allowance for the attendance of evidences at County Courts may be lessened and also that the toll for grinding wheat and corne may be lessened, rejected.

Upon a grievance from Isle Wight County that no allowance is by law provided for jurymen in differences about land or for Constables for executing of warrants, resolved that it is necessary a suitable allowance be appointed, and that it be referred to the Committee for Revisal of the Laws to consider how much shall be allowed and how paid.

Petition from the Vestry *etc.* of the Upper Parish of Isle of Wight County, praying the bounds of the parish may be enlarged, rejected.

Petitions of Chicheley Corbin Thacker, Robert Pasley and John Chiles for allowances referred.

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Gawin Corbin granted leave of absence.

H.E.'s Speech further considered.

Petition of Edmund Jennings referred to a Committee. [C.O. 5, 1408. pp. 147-158.]

Aug. 15.
Portsmouth
in New
Hampshire.

737. Lieut.-Governor Partridge to the Council of Trade and Plantations. Since the death of Lord Bellomont, nothing has occurred within this Province worthy of your Lordships' notice. I have now onely to acknowledge your favour, in that I have recd. H.M. Order permitting my comeing home for England, and shall undertake my voyage accordingly at such a season, when I find my absence may not be detrimental to H.M. service and interest here. I intend per next shippes to transmit coppyes of all Laws *etc.* since my Lord Bellomont's death. *Signed*, Wm. Partridge. *Endorsed*, Recd. 3rd, Read Oct. 7, 1701. *Addressed and Sealed*. $\frac{3}{4}$ p. [C.O. 5, 862. No 74; and 5, 909. pp. 471, 472.]

Aug. 16.
New York.

738. [? Chief Justice Atwood to the Council of Trade and Plantations.] Having had a very long voiage of above three months, it has been impossible for me to do much in execution of either of those Commissions wch. yr. Lordships were pleased to think me worthy of. The business at New York in the Admiralty Circuit, ye contributeing towards settling a Court of Chancery, and ye approach of a General Assembly, wch. is to meet on Tuesday next render it, I fear, impracticable for me to go to Boston to open an Admiralty Court there, till after ye Supream Cort of this Province, to be held ye first Tuesday in October. But I hope I shall be able to be sooner at Connecticut, Rhode Island and ye Jerseys, and whenever I can hear of any occasion of going to any place within my Commission, I shall do my utmost to be there in convenient time. The last Judge of ye Admiralty at Boston assures me, in answer to my letter, that no caus is depending there, yet yt. shall not occasion my forbearing to enquire what matters ought to be brought thither. It being my duty to advise for H.M. service, I have directed suggestions to be drawn for a prohibition after a sentence in ye Cort of Admiralty in favor of one Wake, who seems to have had no register to qualify his ship to trade, and yet was excused upon a pretended composition with ye Naval Officer. As ye Supream Cort is under ye regulation of ye Governor and Council, I have advised ym. to appoint ye Court to sit specially for this matter before ye usuall time of sitting. I am and shall be farr from prejudging the cause, and will use my utmost endeavour to do right to H.M. and the subject. The owners of ye ship being men of good estates, ye Lawyers here expect a good prize of 'em, and threaten beforehand to appeal to England. Therefore it may be requisite to inform yr. Lordships ye more particularly how ye case at present appears. The Captain came hither from England two years since, without any certificate of having registered his ship, upon wch. the Naval Officer seiz'd her, and immediately let her go upon ye Captain's giving his single bond to produce a register or surrender

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his ship by a day yt. is passed ; returning upon a third voiage, she was seized by the Chief Officer of the Customs, and informed against in ye Admiralty, before ye late Judge's Deputy, who discharged the seizure, supposing that the Naval Officer had authority to compound, and yt. such a bond is a composition. The Captain is withdrawn from this Province ; ye ship continues here, but, as I take it, cannot be bound by this obligation, and if ye sentence of ye Cort of Admiralty cannot be set aside at Common Law, H.M. will be defeated of his forfeiture, nor, as I conceive, is it reasonable to stay for ye ordinary Session of ye Supream Cort, not only becaus of ye complaints of ye Captain of ye ship's being kept from her voiage, but of ye danger that it should be carryed away before ye matter be legally determined. Indeed, an information by another informer was exhibited into the Supream Cort before my arrival, but ye sentence in ye Cort of Admiralty may certainly be pleaded in barr to that. Tho' the death of ye late Earl of Bellomont was a great disappointment to me, I must needs own myself much obliged to ye Lieut.-Governor, who seems satisfyed wth. my zeal for H.M. service, in wch. I find him very hearty. He has, in my apprehension, obtained a very advantageous gift from the Indians of a vast tract of land of great consequence to secure their fidelity. I expect from his prudence an happy issue of ye General Assembly, and cannot but hope for yr. Lordships' favourable construction of my endeavours *etc. No signature. Subscribed*, This appears to be from Mr. Atwood, by a letter to ye Secretary in wch. it was inclosed. *Endorsed*, Recd. Read Oct. 7, 1701. 4 pp. [C.O. 5, 1046. No 32 ; and 5, 1118. pp. 417-419.]

Aug. 16. **739.** Minutes of Council of Virginia. Major Wm. Buckner, having taken the oath as Collector of York River District, ordered to give in his bond to the Clerk of the Council. [C.O. 5, 1409. pp. 144A, 145.]

Aug. 16. **740.** Minutes of Council in Assembly of Virginia. Ordered that the accounts of the Public Revenue be prepared with all expedition, to be laid before the House. [C.O. 5, 1409. p. 470.]

Aug. 16. **741.** Journal of House of Burgesses of Virginia. Several Claims referred to Committee.

The petition of Edmund Jennings, claiming lands in Pamunkey Neck, considered. Ordered that the Chickahominy Indians be heard on the subject.

And see preceding abstract. [C.O. 5, 1408. pp. 158, 159.]

[? Aug. 18.] **742.** Draught of letter from William Popple to John Sansom, Whitehall. in reply to the letters of Mr. Savage, July 24 and Aug. 5. *Memorandum added* that the letter was laid before the Council of Trade and Plantations on Aug. 18, and that they did not think fit to send it. *Initialled*, W. P. 2½ pp. [Board of Trade. Plantations General, 5. No. 104.]

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Aug. 18.
Antigua.

743. Col. Codrington to the Council of Trade and Plantations. *Quotes the following extract from a letter from Col. Elrington :* "Mr. Arthur tells me that he is informed by good hands that since Mr. Devaus' arrival in these parts there went two men from Montserrat with a message from the Irish to assure him that if there should happen a war, they would not defend their island, but would deliver it to him as soon as it was demanded. They went to him at Guardeloupe upon his return from this Island. Capt. Perie brings with him a petition from the Council of this Island to desire your Excellency would put a stop to the trade with the French, which if you would do, it would soon starve them in all the Islands. A General Council and Assembly to lay penalties upon those that should presume to trade with them, would soon put an end to it." Upon which I beg leave to observe, in the beginning of the last war the Irish of Montserrat ris in rebellion, my father sent down some companies from hence to quell them, and having banisht some of the ringleaders, made good use of the rest during the whole war. When I gave out Commissions this spring for two companys to be raised for the service of St. Kitts, not one man of the Irish would enlist himself ; I writ a little warmly about it to the Governor and Councell, and was answered, they could not help it ; they found the Irish resolved against assisting St. Kitts : and the reason they gave was there had been several Acts made against the Catholicks at Nevis and St. Kitts : but the truth of the matter is, I believe, some Irish Priests from the French Islands in disguise have been amongst them to debauch them, and this 'tis impossible for me and the most careful Lieut.-Governor to prevent, for they may easily mingle themselves at St. Kitts amongst our sloop-men and pass from Island to Island undiscovered. I have directed Col. Elrington to make farther enquiries into this, and shall take ye best measures I can to prevent mischief.

As to the second part, Col. Elrington writ it in haste, and I believe did not well consider the true state of the case. He knows what my resentments have been in this point : he has heard mee more than once reproach the St. Kitts people for having been very instrumental in settling the French ; they not only have supplied the French with Irish beef and all sorts of lumber, but they sold them their Casada potatoes and plantains for their slaves, without which 'twas impossible the French should have resettled. The people of the other Islands say that to make an Act to prohibit such a trade with the French (which is not forbid by the Acts of Trade) would be in effect to enact that the Trade should be wholly engrosst by the St. Kitts people, for whatever penalties are laid, they have such conveniences of commerce by placing store-houses at the Bays close to the French ground, that very little of the Trade would be prevented by such an Act, besides that nothing we can do will affect the Barbadoes merchants, who would not fail to send sufficient supplies thither. The French begin to tread upon our heels in ye sugar trade : they have better Islands, I assure your Lordships, than wee ; and St. Domingo will in time be a vast settlement. I would humbly recommend to

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your consideration whether it would not be very much for the service of ye Nation to prevent by a severe Act of Parliament all supplies of Irish Beef and all sorts of Provision, and all lumber from our Northern Plantations to the French, without which they will be extremely cramp't, and scarce able to carry on their settlements. I am sure that what we export to the French is of no service to England, for they want no English goods, and consequently buy none. And then your Lordships may easily guess what commodities they repay us in. I do all I can to prevent, and have in a great measure, I believe, broke the trade by persuading ye best sort of people to give it over. But still there will be some little rascals to carry on this sloop trade; and there are so many conveniences of landing goods by stealth, that an army of waiters, tho' they were honest, which they never are, will not be able to prevent it, whilst wee have any communication with the French Islands. *Signed*, Chr. Codrington. *Endorsed*, Reed. 15th, Read Oct. 16, 1701. 1 $\frac{1}{4}$ *closely written pp.* [C.O. 152, 4. No. 42; and 153, 7. pp. 247-250.]

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Antigua.

744. Governor Codrington to the Council of Trade and Plantations. Early in the spring, whilst I was at St. Kitts, and had reason to fear the war would immediately break out, I writ up to Mr. Grey that I wd. endeavour to give the first blow there, and desired he wd. upon the first news of a war send me down the fregat attending his Island wth. 200 men, and encourage some Volunteers to come along. About a fortnight after the fregate came into Nevis from Leeward in a very ill condition, and the men in a much worse, being almost starv'd for want of bred-kind. Shee had been noe doubt abt. ye King's business, beating up against the wind for about 11 or 12 weeks. Some time after Mr. Grey writ me the people of Barbados would give these Islands no assistance, and had addressed to him not to spare the fregate; 'twould have been well perhaps if he had alwaies kept ye fregate nere Barbadoes, but if Barbadoes should be attacq't, a single fregate, I believe, would be of little use, but as for the men, it seems a little odd that Barbados cou'd not spare 200 men, when her Militia was at least 10,000 strong, tho' Col. Kendall and Sir Edwin Steed could perswade the Council and Assembly of that Island to spare two regiments at a time out of half ye number. I send your Lordships ye copy of my answer to him. I am very well satisfied that Barbados has no inclination to serve or save these Islands, nor have one of these Islands to help another, because if a Sugar Island be lost, so much the les of the commodity is made, and consequently ye price is rais'd. But I'm as well satisfied, if a Governor will use his interest, or his arguments, or his management rather to serve the public interest and honour than to fill his own pockets, he may alwaies engage the Councils and Assemblys to join in any measures yt. he can reasonably propose. We have not in this Island above 11,000 men, and yet I could perswade them to make a very expensive Act for raising 3 companys in order to have attac't ye French pt. of St. Kitts, if there had been occasion this spring. I could doe the

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same thing at Nevis. I likewise prevail'd on the Council and Assembly of Mountserrat (but there were noe men to be got, for wch. I shall account to your Lordships in another paper). This very year, too, I have prevailed here to have two Acts past for public ponds for ye use of ye poor, and another to provide land for ye soldiers and other settlers, and to furnish them with necessaries. I could with more ease a great deal have got a couple of thousand guineas for myself, but I did not come into the Indies for such mean ends. This refusal from Barbados, and soe public a declaration of it, wch. is known to all the French Islands, must have very ill effects. It causes a very great terror in general to ye Islands under my command; it encourages the French to think of attempts, wch. perhaps they would not venture on if they were kept in awe by fear of the Barbadoes strength, and it will make the Windward Islands of my Government very unwilling to assist St. Kitts with any of their men; particularly this Island, after this declaration from Barbadoes, thinks it very unreasonable that 3 companys should now upon any occasion be carried off, which before they were agreed should be raised and provided for at ye public expense. I have thought it my duty to lay this before yr. Lordships, in hopes since we are like to have noe help from our neighbours here, the greater care will be taken of these Islands from home. I would likewise most humbly recommend it to your consideration whether it would not be very much for ye public service that these two Governments should be united. I am so perfectly convinct of ye necessity of it, yt. I would rather serve as Lieut.-General under a Commander in Chief of both than command these Islands without a dependance on Barbadoes. Mr. Grey, I believe, will shortly go home to a very good estate and honour, and if the King by yr. Lordships' advice shall think me worthy of that honour, I assure your Lordships I would have noe thoughts but to serve the publick, if not I shall be glad to have my quietus and to resign to some other that is fitter for the command. I'm sure these Islands can be preserved no other way, and since according to the present situation of affairs we are not like to have any great share of any other beneficial trade, 'tis likely these Colonys may be thought to deserve ye greater care. My Lords, I beg yr. Lordships to believe me sincere when I assure you on ye word of a Xtian yt. wt. I humbly propose to your Lordships is not for any hope of growing rich by such a command—if there be a Peace I would not continue here 2 years longer to be Vice Roy of ye Indys, but if there should be a war, I should be glad of a post in wch. I might with some hope of honour spend my fortune and hazard my life franckly in the public service, if it may not be here, the King I hope will give me a half pike again, if not I'll carry a musket. *Signed, Chr. Codrington. Endorsed, Recd. 10th, Read Nov. 13, 1701. Holograph. 3 pp. Enclosed,*

744. i. Governor Codrington to Governor Grey. Antigua, Aug. 15, 1701. I did my duty and followed my Instructions when I desired you would assist me in case I should have had an occasion to dispute St. Christopher's

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with the French Commander. Without question you did what you thought most for the public service in the measures you took. As I have a stake in Barbados, I have a right to give my opinion in what relates to its interest. The reputation of strength which that Island had the last warr was certainly a greater security to it than its real force, and the gentlemen then thought they best consulted as well their quietness as their safety when they made the enemy believe they were above the apprehensions of an attempt, and were not only able to defend themselves, but to protect the weaker Colonys. I once thought the same conduct would be still more prudent, as well as more honourable, but since I have the ill fortune to differ in opinion from much wiser men, I ought to believe myself mistaken. I am only concern'd lest this change of sentiments shd. lessen the merit of former services, and induce the ministers to believe that what Barbados contributed the last warr towards the publick good was more owing to the pressing instances or artfull management of Sir Edwyn Stede and Col. Kendall than to the zeal or inclinations of the people. If a war should break out, I must make the best use I can of the smal force I have here, and when I can satisfie myselfe that I have done my best, I am very little sollicitous about consequences. Since my last letter was publickly recorded, I desire this may bear it company, that they may be both transmitted home to the Lords together *Signed*, Chr. Codrington. *Endorsed*, Recd. 10th, Read Nov. 13, 1701. *Copy*. 1 p. [C.O. 152, 4. Nos. 44, 44. i.; and (*duplicate of first letter*) 45; and (*without enclosure*) 153, 7. pp. 255-261.]

Aug. 18. 745. Mr. Yard to the Council of Trade and Plantations. Transmitting enclosed from the Lords Justices, for their consideration and report, together with the petition and address of the Inhabitants of East and West New Jersey. *Signed*, R. Yard. *Endorsed*, Recd. 19th, Read Aug. 20, 1701. 1 p. *Enclosed*,

745. i. Petition of the Proprietors of East and West New Jersey to the Lords Justices. Some factious and turbulent people, impatient of any Government, oppose the Administration of Col. Hamilton, because he is not approved of by an Order of Council. The public peace is daily violated and the public justice obstructed. Your Petitioners have agreed and are ready to surrender all their right of Government to H.M. upon such terms as are requisite for preservation of their propertys and civil interests, and which they humbly hope will be allowed to them. They pray for their Excellencies' immediate approval of Col. Hamilton to be Governor of East and West New Jersey until the terms of

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surrender can be adjusted. *Signed*, Tho. Hart, Joseph Ormston, Joseph Ormston *for* Miles Foster and Edward Anthill, Gilbert Molleson, Tho. Barker, Clem. Plumsted, Tho. Cooper, Walter Benthall, Jos. Brooksbank, Dan. Cox, junr., Tho. Lane, Paul Docminique, Tho. Skinner, Jno. Bridges, Michael Watts, E. Richier. *Endorsed*, Presented by Sir Thomas Lane and others. Read Aug. 14. 1 *large p.*

745. ii. Humble Memorial of the Proprietors of East and West Jersey. Proposed terms of surrender of their right of Government (Aug. 12, 1701). *Printed in Smith's History of N. Jersey, Appendix xiv. 6 large pp.*
745. iii. Governor and Council of East New Jersey to the King. *Recapitulate case of Andrew Hamilton, 1699.* Hamilton, after the Order in Council April 20, 1699, waited upon the Council of Trade and humbly moved that, seeing by the said Representation their Lordships seem'd to hesitate upon the validity of the powers of Government granted by Charles II, he might be directed by their Lordships how to guide himself, being unwilling to act under any commission, which they should judge unwarrantable. Their Lordships by Sir Philip Meadows were pleased to signify that, tho' they questioned the validity of the powers of that grant, and therefore thought it not fit to advise your Majesty to grant the approbation petitioned for, being a recognizing the Proprietors' title, and thereby giving away what they accounted your Majesty's right, yet that they did not thereby intend to inhibit the Proprietors of acting further in the Government; but that, if your petitioner Hamilton governed himself by the Laws of England, the Proprietors would find wherewithal to justify themselves in commissionating him, and your petitioner in acting under it, until their right to Government were vacated by a judicial determination, or that your Majesty's pleasure should be further know therein. But neither the approbation being granted, nor no Instrument sent over to command the inhabitants to continue in their obedience to the Government under the Proprietors, until their right had received a trial at Barr, or your Majesty's pleasure known, the licentious part of the people, who look on all Government to be a yoke, and being encouraged in their seditious principles by letters from England from their Agent, whom they have sent over to extenuate their crimes, that Hamilton was rejected by your Majesty for Governor, and that the Council of Trade had declared all Acts of Government by him done, or any under him to be null and void, have gladly laid hold of this as colour enough, to cut in pieces the reins of Government, and run your people into anarchy and confusion. And as at several times before they have assaulted your Majesty's Justices,

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and thereby stopt the current of Law, so on March 25. *Describes rescue of Butterworth, the pirate.* Petitioners pray that your Majesty would be graciously pleased to command the inhabitants to yield their obedience to the Proprietors' Commission until the trial at bar be had, or your Majesty's pleasure thereupon be further known. *Signed,* And. Hamilton, Saml. Dennes, John Bishop, Saml. Hale, Benj. Griffith, Wm. Sandford.

745. iv. Petition of the Provincial Council and House of Representatives of West New Jersey in General Assembly met at Burlington, May 12, 1701. The Government of this Province, by the evil endeavours of Joshua Barkstead and others now, or lately, in England, is much disordered by their letters to some inhabitants disaffected, who industriously publish the same, to the effect that Col. Hamilton was rejected by the Court, and that Brother (meaning Jeremiah Basse) would suddenly be over with them as Governor for the King, or Surveyor General of the Customs in America. The giddy and factious part of the people lay hold on the above letters to justify their breaking in pieces the whole frame of Government, and refuse to pay taxes, impudently affirming that the Province was without Law or legal authority, and have threatened high against those officers that would attempt to levy it. The Governor and Justices of the Peace, knowing it their absolute duty to preserve the order of Government, took up some of those seditious and disorderly persons, who refused to find security for the[ir] good behaviour. As an instance that those letters and persons debauched the people into a belief that no act of Government could be done under the present administration, about three or four score of the disorderly people came to Burlington, March 18 last, in a tumultuary and riotous manner (taking advantage of the Governor's being unprovided to suppress them because many of the inhabitants of that town are such, whose religious perswasions will not suffer them to bear armes) and forcibly broke upon the prison, and rescued two persons who were under confinement, for refusing to find sureties for their good behaviour, and were known to be very active in raising and continuing our troubles in the Government. Petitioners pray that the King will rebuke the insolency of those ill men, and command their obedience to the present Government. Nothing can lay the good people of this Province under a greater and more lasting obligation than to remain under the care and administration of our present worthy Governor, etc. *Signed,* Edward Hunloke, Pr., George Deacon, Jona. Beere, William Biddle, Tho. Gardiner, John Thompson, Andr. Robeson; of the Provincial Court. Samuel Jennings, *Speaker*; Mahlan Stacys, Francis Davenport,

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Restore Lippingcot, John Scott, Thomas Wilkins, John Adams, John Rambo, Thomas Thackera, John Kay, Archaball Miggle, Simeon Ellis, Phillip Paul, Samuel Hedge, William Hall, John Woodroffe, John Bacon, John Reading, Clerk. [*C.O.* 5, 1261. *Nos.* 16, 16.i, ii.; and 5, 1289. *pp.* 168-200.]

Aug. 18. **746.** Journal of Council of Trade and Plantations. Letter from Col. Codrington, June 30, read. Draught of a letter to him agreed upon.

Aug. 19. Draughts of Instructions to the Lord Cornbury sent to Mr. Yard, to be laid before the Lords Justices either in Council or otherwise as their Excellencies shall think fit.

Letter from the Governor of Barbados, June 25, read.

Col. Nicholson having signified in his last letter that H.M. Order, for constituting Mr. Lewis Burwell of the Council of Virginia, was not yet come thither, tho' the same were dispatched here in Sept. last, ordered that the Secretary write to Mr. Perry to know whether it were sent forwards by himself or any other, and in case the same have been lost, to take care that a duplicate be sent also.

Draughts of letters to the Governors agreed upon.

Aug. 20. Mr. Hodges desiring a copy of what has been sent from Barbados in answer to his complaints, ordered that a copy be lent him.

Letters to the Governors signed.

Letter from Mr. Yard, Aug. 18, with enclosures, read.

Order of Council, Aug. 12, approving the Instructions to Brigadier Selwyn, read. [*Board of Trade. Journal*, 14. *pp.* 137-140.]

Aug. 18. **747.** Minutes of Council of New York. Ordered that the Secretary inspect the books of the Records of patents remaining in his Office, and from thence state and draw up in as exact a manner as possible the dates of the said patents, the quit-rents reserved to H.M. therein, and the lands granted thereby at any time to any of H.M. subjects, inhabitants of this Province, together with the County and Township or place where the same lyeth, and that with all convenient speed.

Aug. 19. Upon reading at the Board the confirmation of the Treaty with Algiers, and the additional articles of Aug. 17, 1700 (*q.v.*), to the end that the Merchants of this Province may not loose their effects through negligence or ignorance, ordered that a Proclamation issue forth, strictly charging all officers of H.M. Customs not to suffer any ship outward bound to have its clearing until the Master or one of the owners shall produce an Algerine pass. [*C.O.* 5, 1184. *pp.* 574, 575.]

Aug. 18. **748.** Journal of House of Burgesses of Virginia. Several Claims referred to Committees.

John Catlett signified his inability to attend through sickness. Resolved that he was guilty of a neglect of duty in not informing

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the House before of the reason for his absence. Ordered that he pay the Messenger 50s. for his trouble, and that he be excused attendance till the state of his health permit it.

The Messenger's fees were ascertained.

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See Minutes of Council in Assembly under date.

Mr. Ballard's absence excused.

H.E.'s Speech further considered. Resolved, *nemine contradicente*, that H.M. letter, Jan. 19, 170 $\frac{0}{1}$, requiring this Colony to contribute and furnish 900*l.* sterl. towards the erecting and maintenance of Forts on the Northern Frontiers of New York, hath been obtained by false suggestions and misrepresentations. Resolved, *nemine contradicente* that the subjects of New York made those false representation[s] merely to gain a contribution from the neighbouring Colonies and Plantations, the better to enable that Province to erect and maintaine Forts for the security of their Indian trade; that the Forts already erected on the Frontiers of New York are no security to this Colony and that (notwithstanding the same) the enemy may and frequently doth come upon our Frontiers and commit murders and other mischiefs; that the building of more Forts upon the said Frontiers will not anyways avail to the security and defence of this Colony, for that an enemy may annoy or invade the same and not come within 100 miles of any Fort that can be built within the Province of New York; that it is absolutely necessary for undeceiving H.M. and for obviating like grants for the future that the case between this Government and that of New York be fairly and truly represented; that the consideration of a suitable method to make such Representation be referred till to-morrow; that the condition of this Colony is such that we are not able to contribute the 900*l.*; that sending the quota of men to the Province of New York will be prejudicial to H.M. interest at home and endanger the safety of this Colony; that it is not probable any men can be sent from this Colony soon enough to be serviceable to the Province of New York upon an invasion; that by means of the present publick engagements and such necessary provision as the defence and security of this Colony will from time to time require, wee shall not be able to furnish New York with money in lieu of men. Other passages of the Speech referred for further consideration.

Petition of John Buckner referred to Committee. [C.O. 5 1408. pp. 160-171.]

Aug. 19.
Jamaica.

749. Governor Sir William Beeston to the Council of Trade and Plantations. *Refers to letter of July 30 and encloses duplicates; also Journal of Council*, "by which may be seen what I recommended" to the Assembly "at their meeting, and also that during the time they sate, they were treated only with respect and good advice from that Board, so that why they should run into such extravaganeys is unaccountable, only they were sturred up to believe that what a House of Commons could do in England, they could do here, and that during their sitting all power and authority was only in their hands, and that they could

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call all persons and things under their disquisition, and the chief adviser hereto was that Mr. Totterdale, whom they have raised money for privately and sent him to England to sollicite their complaints, but what those are is not certain, only I have been privately told that one is against my Lord Duke's Act for the Revenue, and another is that none that are of the Council should be Chief Justice, a Judge of the Grand Court or Receiver General, and in that the Judges should not be of the Council, they are in the right, because if an appeal be brought from that Court to the Council as the *dernier resort* (though none such has been in my time), yet if it should so happen, it is appealing from one's self to one's self, but before this can be remedied there must be men of parts and ability to act in both, which there is not, else it had never been suffered, tho' I know no harm have yet proceeded; another I hear is, they intend to complain that I take and demand money without any law on the exportation of negroes to the Spaniards, about which I must pray your patience to the following relation. It is positively forbidden by the Articles of Peace, that any Trade or Commission be held betwixt the subjects of England and Spain in America, on the loss of all without permission, but it being a great advantage to trade as well as to the importation of much money and boulion into England, it has been all along connived at, but it being in the power of the Governors to permit it or not, they have thought it reasonable that where the merchants got soe much they ought to get something for their permission, and therefore the Governor my predecessor had 20*l.* per head, and often more for negroes exported. The trade increasing in my Lord Insequin's Government, a bill was presented him, (such as I have passed and this last Assembly rejected), but he laught at them, tho' in the Bill they made a present to him of 2,000*l.* After my being here some time it was offered to me, and I having no family to make, nor very earnest for enquiry after money for that reason, and seeing it might be of service to H.M. and the country, I freely gave my consent to it, but was soon after upbraided for it by some of the chieftest of the merchants, who told me if the country wanted money for its support, the Assembly must raise it, but this was giving so much out of my own pocket, for which reason when this last Assembly so ungratefully threw it back in my face, I told them I would not be angry with my advantages, but would pick it up myself, since they rejected it, and presently gave order to the Naval Officer to clear no negroes goeing to the Spaniards but who paid him 20*l.* per head for me, as had been usual to my predecessors, on which the Speaker sent his warrant to apprehend him, and commanded all Constables and all H.M. liege people to assist their Messenger therein, which as soon as I heard of, I sent the Provost Marshall to contradict it, and told them he was one of H.M. Officers over whom I thought they had no authority, for if he had done anything well, they could not reward him, and if he had done anything ill, they could not punish him, that I knew no harm he had done to any, but if he had, the Law was open and any man might thereby right himself. This is the truth of the

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business, which I did not doe that I cared soe much for the money, but because I would not make an ill president to my successor, and chiefly because the Assembly was so undutifull to His Majesty and ungrateful to myself, but for the money that arises thereby, it's for H.M.'s permission to trade contrary to the Peace, and therefore if H.M. shall please to direct it to any other use, I shall readily shew my obedience therein, being more solicitous to do anything that may please and serve H.M., than for any advantage to myself.

I have received your Lordships' letter of May 23; to what you have been pleased to say about Mr. Brodrick, I can give no other answer then I have already, which was that myself and the Council do beleive (and also do think he is conscious to himself) that he has not Law enough to be Attorney General, nor to advise the Governor, Council or the Judges on any emergent occasion, which was the only exception, for he is generally believed to be an honest man, and therefore what has been said of him, the person that endeavoured to be Provost Marshall, or any other, is not in any peeke, but that H.M. and the Country may not be ill-served by men not fitting for their imployments, and the Treasury Records and all things of great concerne to men's estates may not be tumbled about into new hands at the will of the Patentees, perhaps every three or four months, and before they understand their business, when there are good officers in those places who well understand what they are about, and constantly pay the dues arrising to the Pattentees, these things make the country uneasy, and they think their estates precarious, when the records of them must be trusted into the hands of new people, who are strangers to the place and business. As to the Chancery Courts, there has been no complaints that I know of, nevertheless your Lordships' directions therein shall be obeyed. On these comotions of the Assembly, I drew up some querys, and asked the advice of the Attorney General and one Mr. Thurger, of the King's Council at Law, who gave me their answer to them in writing, all which I remit, and do not so much wonder now at their courage in the Assembly, as I did, because just now the said Mr. Thurger came to me and voluntarily offer'd me his deposition, which I took and now also thereof doe send the duplicate, by which it will appear to your Lordships that this Mr. Totterdale was the only cause of all this trouble, and did it designedly, tho' I never heard any given him by any of this Government, nor can guess his reasons, but he added withall to Mr. Thurger, that he never forgave any man that did him any injury, but to his utmost at all times would do all he could to revenge it; this I hope and doubt not but will lett your Lordships see what errand he is sent about, even to gratifie his own malice, and leads those who have furnished him with money for his voyage to shift for themselves, for it's believed he never designes hither again, but it's pitty that he should be rewarded for setting up against the King's authority and setting all this Island in a flame, who were before in great quiet and friendship. It's the opinion of the Council as well as myself that I cannot call an Assembly to acquaint them

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with H.M. letter before my successor arrives, he being soon expected, the usual time for the writs will not be run out, therefore it's to no purpose to attempt it, nor would it be yet, till some time is run out and people cool'd, for they now talke about the country, that let an Assembly be called, there shall not four men be changed, and that they will meet with the same minds and tempers as when they parted, therefore till there be some marks of H.M. displeasure shewn towards them, there will be nothing done to any purpose by them, therefore this I must leave to him that succeeds me, to whom (being very willing to be rid of such obstinate troubles) I shall with much willingness resigne my authority. *Signed, Wm. Beeston. Endorsed, Recd. 17th, Read Nov. 18, 1701. 2½ closely written pp. Holograph. Enclosed,*

749. i. Abstract of preceding. 1 p.

749. ii. Copy of some queries proposed [by Governor Sir William Beeston] to Thomas Barrow, H.M. Attorney General, and Robt. Thurgar, one of H.M. Council at Law. (1) Whether it be in the power of Assembly to send the Speaker's warrant, without leave of the Governor, peremptorily to command Five of the Gentlemen of ye Council to appear before them and to give them an account of what they have nothing to doe with. (2) Whether it be in the power of any one man, or any community of men, by their own authority to order a Proclamation to be solemnly published without the King's name, authority or seal to warrant it, and what is the crime for soe doing? (3) Whether it be in the power of the Assembly to send the Speaker's warrant directed to their Messenger to take into custody, and by consequence into prison, anyone of H.M. subjects, not a Member of their House, and to command all Constables, and all H.M. liege subjects to be aiding and assisting their said Messenger in executing their warrant, without H.M. name or authority mentioned in the said warrant. (4) Whether such arbitrary proceedings be not contrary to the writ they are called by, and an invading H.M. Prerogative and authority, and endeavouring to set the authority in the power of the people. (5) Whether their pretending to make an Address to the House of Commons in England, because they are obstructed in their violent and arbitrary proceedings be not a tacit renouncing H.M. authority. *Answers.* (1) The Assembly have noe such power. (2) No person but the King or his Representative, or some one specially by him deputed. (3) We know no power or authority they have to warrant such proceedings. (4), (5) The Assembly sit by virtue of H.M. Commission and H.M. is the proper person to be applied to. *Signed, T. Barrow, Robt. Thurgar. Endorsed, Recd. 17th, Read Nov. 18, 1701. 1 p.*

749. iii. Copy of Deposition of Robert Thurgar, of Port Royal, Aug. 18, 1701. Some time after the last Election of

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Members for the Town of St. Jago De la Vega, deponent riding in company with one Hugh Totterdale, one of the Members elected for that town, heard him express himself to the effect that he was glad he was elected, for that now he had an opportunity of coming up with the Government, who had given him abundance of affronts, and that in return he would make it his business to cross and oppose them in everything, so much as lay in his power. *Signed*, Robt. Thurgar. *Endorsed as preceding.* 1 p.

749. iv. Memorandum of Journal of Council in Assembly of Jamaica, June 24—July 28, 1701. *Slip.* [C.O. 137, 5. Nos. 54, 54. i.-iv.; and (without enclosures) 138, 10. pp. 306-314.]

Aug. 19. **750.** Minutes of Council of the Massachusetts Bay. Upon information given by a letter from Samuel Cranston, Governor of Rhode Island, of a ship and sloop that for the space of a fortnight had been hovering betwixt Rhode Island and Black Island, and had been in at Tarpolin Cove, pretending they came from Curacao, and that some of the Company had been on shore there and treated with a boatman to take in some bales (as they said) of canvas, from on board said vessel, to be transported to Rhode Island, and that said vessels were suspected to be pirates, or upon an unlawful design, Resolved that an order be made out to Capt. Josias Crowe, H.M.S. *Arundel*, to sail in quest of the aforesaid ship and sloop. This order was drawn up and signed. [C.O. 5, 788. p. 80.]

Aug. 19. **751.** Minutes of Council of Virginia. Mr. Auditor Byrd laid before H.E. and Council the state of H.M. Revenue upon quit-rents 1700, and upon the 2s. per hhd. Oct. 25, 1701—June 10, 1701. [C.O. 5, 1409. p. 145.]

Aug. 19. **752.** Minutes of Council in Assembly of Virginia. Committee appointed to consider the method for strengthening the frontiers. Joint conference proposed for that purpose.

Joint Committee appointed to inspect ye proceedings of the Committee to examine the claims to land in Pamunkey Neck and Blackwater Swamp.

Mr. Thacker representing that there are two books of Patents so very old and decayed yt. unless they be speedily renewed by transcribing they will be utterly useless, he was referred to the Burgesses. *And see preceding abstract.*

Aug. 20. Joint Committee appointed to consider several propositions concerning the building the Capitoll.

Aug. 21. The above-mentioned Committee returned their report. [C.O. 5, 1409. pp. 350, 470-473.]

Aug. 19. **753.** Minutes of Council in Assembly of New York. The Representatives being all met, except one of the members of Queen's County, took the oaths etc. appointed. The Governor

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then directed them to choose a Speaker, and having chosen Abraham Gouverneur, they presented him to the Governor, who confirmed their choice, and their former rights and privileges. The Governor delivered his Address. *See Aug. 20. No. 758.vi. [C.O. 5, 1184. pp. 863-867.]*

Aug. 19. **754.** Journal of House of Representatives of New York. *See preceding abstract.*

Ordered that the thanks of the House be returned to the Governor for his kind and affectionate speech.

A motion being made that William Nicoll, one of the Representatives of Suffolk, and Major Wessells, one of the Representatives for the City and County of Albany, were not qualified according to the late Act, they not being inhabitants and residents in the Counties for which they were chose, they were ordered to withdraw. And the House ordered, that this House will not proceed on any other thing until that matter be decided.

Aug. 20. Mr. Nicoll said that he was not chose of his own seeking; since he was, he would defend his right as long as he could, and that he was sorry to say what he was since informed, that you, Mr. Speaker, are not born the King's Natural subject, and so not qualified to be in the Chair, and until you give us further satisfaction of that matter, we cannot sit and act with you. The Speaker replied that the vote of yesterday was, that this House would not proceed on anything until the matter relating to Mr. Nicoll and Major Wessells was decided, and then would give them all reasonable satisfaction. Whereupon William Nicoll, Major Derick Wessells, Minert Schuyler, John Abeel, Killian van Ranslaer, Matthew Howell, John Jackson, Daniel Whitehead, John Drake and Joseph Purdy immediately withdrew, notwithstanding the Speaker often commanded them, in the name of the House, to stay and attend the service of this House. Upon investigation the House decided that Major Derick Wessells was not qualified according to the Act. Ordered that Rhyer Schermerhoorn, the next on the poll, be received as a Member of the House in place of Major Wessells. (*Printed.*) [C.O. 5, 1184. pp. 995-998.]

Aug. 20. **755.** Council of Trade and Plantations to Lieut.-Governor Whitehall. John Nanfan. Since our last to you of May 7, we have received yours of May 20 and June 9. We had also, before the receipt of yours, one from the Council of New York, March 10, two from Mr. Smith, Mr. Schuyler, and Mr. Livingston, April 30 and May 5, one from Mr. Smith, May 10, and one from Mr. Livingston, May 13. We are satisfied to understand that your arrival at New York had put an end to the disputes that were risen amongst the Counsellors there about the devolution of the Government, concerning which we will only say that *we do not find by H.M. Commission to the Earl of Bellomont that any distinct power is conferred on a President separate from the rest of the Council.* [*The passage in italics is marked with a query in the margin.*—Ed.] The heats that have been long amongst the

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Counsellors and others are so very prejudicial to that Province, that we think it proper to renew our directions to you that you use your utmost endeavours to allay them. We are sensible of the hardships the soldiers lye under, and have done what we have been able upon all occasions for their incouragement. We are very well pleased with the care that has been taken there for their present subsistence. And as Mr. Champante is hitherto continued in the Agency, and does accordingly look after their concerns, we doubt not but he gives you due notice of all things relating thereunto.

Your letter does not require any particular answer. But we do expect the success of the meeting of the Assembly that you had called ; the effects of your intended meeting with the Indians ; and an account of the state of defence of the Province with what else you promise. We have given due information of what you write, or what we have otherwise understood concerning the timber-plank and masts that were provided by the Earl of Bellomont, and doubt not such orders will thereupon be given as shall be thought fit. The Earl of Bellomont, Feb. 21, proposed to us some doubts concerning foreigners endenized in England, upon which we took the opinion of Mr. Attorney and Solicitor General, and we now send you here inclosed a copy thereof. You will have understood that H.M. has been pleased to confer the Government of that Province upon the Lord Cornbury, whose dispatches are now preparing. In the meanwhile the care which you have hitherto taken in the Government will be a means to recommend you to H.M. favour in some other Station. *Signed*, Ph. Meadows, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 1118. *pp.* 401-403 ; and 5, 1079. *No.* 78.]

Aug. 20.
St. John's in
Newfoundland.

756. George Larkin to the Council of Trade and Plantations. I am now about to leave this place, where I arrived the 24th of the last month, having delivered to the Commander in Chief the duplicate of the Commission, copies of the Act of Parliament and Proclamation. As to the Rules and Forms of Proceedings, which I have settled here with the Commissioners, I crave leave to refer your Lordships to the papers, which comes herewith enclosed, a copy of which I have left with the Commission for the succeeding Commandore, which by directions of the Lords of the Admiralty is to be deposited in the hands of the Commanding Officer of the Fort. Captain Graydon hath appointed one Mr. Henry Newman, a merchant here, to be Register, to whom I have given such Instructions as are necessary, and have layd downe everything so plaine, that if any pirates shall happen to be seized, I think there cannot well be any error in the proceedings. I have not heard of any that have been upon the coasts of Newfoundland this yeare. I find that the Rules and Orders conteyned in the Act for the more advantagious management of the Fishery are not so much regarded as I could wish they were. The reason I attribute to the want of a penalty ; the trees are rinded, and the woods destroyed as much now as they were before the making of the Act, and in few years, unless prevented, there

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will not be a stick fit for the use of the Fishery within five or six miles of this and some other harbours where I have been, and the Flakes which are to be left standing, are most of them made use of by the inhabitants for firing in the winter. The present Admiral of this harbour, Capt. Arthur Holdsworth, Commander of the *Nicholas* of Dartmouth, brought over from England this fishing season 236 passengers all or great part of which are By-boat keepers, and under a pretence of being freighters aboard his ship, which is only for some few provisions for their necessary use, he hath put and continued them in the most convenient stages etc. in this harbour, which all along since the year '85 have belonged to fishing-ships, insomuch that several Masters of fishing-ships have been obliged to hire room of the Planters. These By-boat keepers are most of them able fishermen, and I don't heare that there is any Freshmen or Greenmen amongst them as the Act directs. I am credibly informed that this very person, and one or two more that constantly use the Newfoundland trade, in the beginning of the year make it their business to ride from one Market Town to another in the West of England on purpose to get passengers, and make an agreement with them that in case they shall happen to be Admirals of any of the harbours, [that] they will put and continue them in fishing-ships roome. This is a very great abuse and discouragement to the Adventurers. Besides, these By-boat keepers can afford to sell their fish cheaper then the Adventurers, which must lessen the number of fishing ships.

The great complaint is against the New England men and some merchants of that country, that for these seven or eight years last past have resorted to this place during the fishing season, that they have their Agents in most harbours in the land, by means whereof they know what is brought to every place, and so drive an indirect Trade, and supply the Plantations with several commodities, which they ought to have directly from England; that their vessels generally make two or three trips in a year with bread, flower, porke, tobacco, molasses, sugar, lime-juice and rum; that they sell their provisions some small matter cheaper to the inhabitants, but then they oblige them to take a quantity of rum. This rum the inhabitants sell to the fishermen, which encourages them to stay behind and leave their families in England, which oftentimes become burthensome to their respective parishes; that the inhabitants sell rum also to their servants, who run in debt, and are forced to hire themselves for payment thereof; one month's profuse living and a pair of shoes leaves them in bondage for a whole year, and though as good fishermen as any in the land and may deserve 15*l.* or 20*l.* per annum, they make them serve for seven; that the New England men never carry their fish, which they receive in exchange from the inhabitants and planters for their cargo to market, but either sell the same upon bill in England, by which they gain five or six and thirty pounds per cent., or else for wine, brandy, dowlas, and other sorts of linen cloth, silks, alamode and lustring, sarcenets and paper from France; that in the close of the year they inveigle and

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draw away a great many seamen, fishermen, and servants with promises of great wages, and when they come there, not meeting with that encouragement they expected, severall of them betake themselves to a dissolute sort of life, and in the end turne Rogues and Pyrates. I am told that the New England vessels last year carried out of Conception Bay upwards of 500 men, some of which were headed up in casks, because they should not be discovered. Of what consequence this is to England, your Lordships are the most proper judges. But if your Lordships think fitt, the same may be for the future prevented by the Master of every New England vessel's giving bond of such penalty as shall be thought meet at the Custom House where he is cleared, that he shall not carry any seamen, fishermen, or servant as passenger or otherwise (except his ship's company) from Newfoundland to New England, or any of the King's Plantations, without leave in writing first had from the Commander in Chief of the Newfoundland Convoy ; And that there is scarce a vessell that comes from New England to Newfoundland, whose bills of lading and stores mention above one halfe of the cargo that they have aboard, or returns again to New England but what is seizable. I don't hear but of one New England vessel that fisheth upon this coast this yeare, and that is one Captain Pitt at Ferryland.

The inhabitants and Planters of Newfoundland are a poor, indigent, and withall a profuse sort of people that care not at what rates they get into debt, nor what obligations they give, so that they can but have credit, but the seizing of their fish for debts seems to me to be both irregular and unjust as to the time and manner of doing it, and the fishermen seeing the rocks stript before the fishing season is half over are discouraged from proceeding any further, which often proves the ruin and overthrow of severall of the Planters' voyages. Debts were never wont to be paid in Newfoundland till the 20th of August, but for these two or three yeares past the Rocks have been stript by night, and the fish carried off in June and July, without weighing, a second hath come and taken it from the first, and perhaps the Planter hath had twenty or thirty quintalls of fish spoyled in the scuffle, and the rest of his creditors are forced to go without any satisfaction ; nay, the poor Fishermen who helped to take the fish have not one penny wages : salt provisions and craft are all payable here before wages, and considering how poor fishermen are used, I admire how the Planters and Inhabitants procure hands from England to fish for them. Indeed, when complaints of this nature have been made to the Commander-in-Chief, he has ordered the fish to be redelivered and dividend to be made, but my Lords, here is in Newfoundland at least 5 or 6 and 20 several harbours, besides coves, and it's a great way for people to come from Bonavista and Firmooze to St. John's to make their complaints. The Admirals they'l not concern themselves, but leave all to the Commandore. They ought to see to the preservation of peace and good government among the seamen and fishermen, that the orders for the regulation of the fishery be put in execution ; and to keep journals, but instead of this, they are the first

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that break the orders, and there is not one of them where I have been that hath kept any Journal. The late Act gives the Planters a title, and it's pity but that they had some Laws and Rules by which they should be govern'd, tho' it's the opinion of all that I have conversed with since I came here, that it had been much better if all Plantations in Newfoundland had been absolutely discouraged, for it's now become a sanctuary or place of refuge for people that break in England, and the Masters of the fishing ships do encourage several of their men to stay behind, persuading them that they will soon get estates here, purely to serve the charges of their passage back to England.

It hath been customary for the Commander in Chief upon complaints to send his Lieutenant to several harbours and coves, to decide all differences betwixt Commanders of merchant ships and the Inhabitants and Planters, and betwixt them and their servants. It's truly an absolute shame to hear how matters have been transacted upon such occasions. He that makes a present of the most Quintalls, is sure to have the matter determined in his favour. The whole Country exclaims against the Lieutenants in Capt. Poulton and Fairborne's time, and do not stick to say that some former Commanders in Chief have been a little faulty. The present Commander hath taken a great deal of pains to do the country justice, and to settle Religion amongst them, and everybody seems to be very well satisfied with him. There has never been any account or registry kept of any of the orders or rules that have been made for the good of the fishery; what one Commander in Chief hath confirmed, the next hath vacated. I have prevailed with this to leave an abstract of all such as have been made during his time with the Commission for tryall of Pirates for his successor. Several quarrels and differences happen here after the fishing season is over, and in the rigor of the winter Masters beat servants, and servants their Masters. I would therefore propose that one of the most substantiall inhabitants in every harbour be appointed in the nature of a Justice for preservation of peace and tranquility, and that some person that understands the Laws be sent with the Commander in Chief, or to reside here, in the nature of a Judge-Advocate, to decide all differences and matters of meum and tuum betwixt Masters of ships, Inhabitants, Planters and Servants; that he have a power to administer an oath to parties or witnesses for determination thereof in the most summary way, and that he be obliged to go every year to Bonavista, Trinity, New Perlican, Old Perlican, Carboneer, St. Johns, Bay of Bulls and Ferryland, and to stay a fortnight or three weeks in each of them. He may be usefull here upon several occasions. Besides your Lordships will not fail of a true account, how all matters are transacted in Newfoundland.

I meet with very few here that can give any account of the French, only that they have fifty sail of ships, all Adventurers, at Placentia this season; that provisions of all sorts are cheaper there; that their boats have made much the same voyages that ours have here, viz., from two to four hundred quintalls for a

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boat ; that there is but one ship of war, which brought stores, and that they are very busy in fortifying the Fort at Placentia. We have had very stormy weather upon this coast. Three ships have been cast away in Petty harbour, a Ketch and another vessel in Tuds Cove. *Signed*, Geo. Larkin. *Endorsed*, Recd. 15th, Read Oct. 16, 1701. 4 closely written pp. *Enclosed*,

756. i. Abstract of preceding. 1½ pp.

756. ii. Rules and Forms of proceedings, to be observed in the Admiralty Courts for the trial of pirates at Newfouradland, drawn up by Geo. Larkin and the Commissioners on board H.M.S. *Assistance* in the Harbour of St. Johns, Aug. 11, 1701. *Endorsed*, Recd. Oct. 15, 1701. 6½ pp. [*C.O.* 194, 2. Nos. 44, 44½, ii.; and (without abstract) 195, 2. pp. 447-466.]

Aug. 20.
Whitehall.

757. Council of Trade and Plantations to Governor Blakiston. We wrote to you Feb. 18, June 13 and July 22, unto which letters we expect answers in course. Those we have received from you, not yet fully answered, are dated Jan. 20 and April 5, 8 and 15. In the first, you give us the names of only four persons to supply vacancies in H.M. Council, which is not according to your Instructions, for you are thereby required to take care that we have always a list lying by us of twelve persons fit to supply such vacancies. However, being sensible at that time of the want of Counsellors in that Province, and one of those you therein named having been put in before, we represented to H.M. our opinion that the other three might be constituted Counsellors also (viz. Mr. Edward Lloyd, Mr. William Holland and Mr. James Saunders) and H.M. having been pleased to constitute them accordingly, we enclose a copy of the Order of Council thereupon, presuming that the several original orders may have been sent to them by their correspondents. In yours of April 5, you tell us that you had wrote to Mr. Secretary Vernon for H.M. leave to come for England the next year, in case your health permit you not to stay in that Country. We have yet heard nothing from him upon that subject, and heartily wish there may be no such occasion to move H.M. therein. Upon the death of Mr. Laurence, his father Sir Thomas did desire the Secretary's place, and H.M. has accordingly been pleased to confer it on him. So that he is now about repairing to those parts in order to take it upon him, and execute the same in person. *Directions given, as to other Governors*, for holding Courts of Chancery. (*Cf. No.* 472.) *Signed*, Ph. Meadows, John Pollexfen, Abr. Hill, Nat. Prior. [*C.O.* 5, 726. pp. 95-97.]

Aug. 20.
New York.

758. Lieut.-Governor Nanfan to the Council of Trade and Plantations. My last to your Lordships was June 9th. I have since mett with our Five Nations of Indians at Albany, and now inclosed send the journal of the Agents I sent to Onandage in order to watch the motions of the French Agents set thither, vizt. Mons. Maricour and the Jesuit Braias ; the conference with our Five Nations, with an Instrument I have procured from them,

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whereby they convey to the Crown of England a tract of land 800 miles long by 400 broad, including all their beaver hunting, with a draught, the most accurate I have been able to procure, of the situation of our Five Nations, as well as that land conveyed to H.M., which your Lordships may please to observe begins at Jarondigat, and is within the prick't line. I heartily wish and hope it will prove both serviceable and satisfactory to H.M., and if I have your Lordships' approbation of [my] industry, I have my ends. In perusal of the Conference your Lordships will see how intirely I have fixed our Indians in their obedience to H.M., and in their friendship to this and his [Majesty's] neighbouring Provinces, wch. I hope may be equally serviceable and satisf[actory]. I brought with me to New York Decanissore, the grate Indian of Onandage, and sent him up extreemly satisfied with some small presents, he giving me great assurances of his [? zeal] for H.M. interest.

I since am honrd. with your Lordships' packetts via Boston, of 29th and 30th April, directed to the Earl of Bellomont, or Commander in Chief, and one other packet of the [7th] May, directed to myself.

As to the first, I immediately ordered H.M. proclamation re[*lating to* ?] pyrates to be read in Council, and then published, and shall exactly observe all your Lordships' Orders contained in that letter. As to that of the 30th, with H.M. Order as to Mr. Weaver's salary, I also read in Council and directed accordingly. As to that of May 7th, I shall as carefully observe both as to your advice and your direction, and to shew your Lordships that it was my opinion that neither H.M. nor the Province cou'd be served during the heats and animosities of partys, I inclose two Proclamations I issued on the desolution of the late Assembly, and my speech to this Assembly, who mett yesterday. Your Lordships will see my intention is to revive an Act expired in May last, which I hope to effect, and doe promise myself great assistance from so honest and so judicious a gentleman as our Chief Justice, for H.M. service and the service of this Province.

As to the fortifications on our frontiers, what are of the old yet standing are so much out of repair that they are perfectly unserviceable. Col. Romer I have not been able to procure from Boston, tho' I have wrote often to him and the late Lieut.-Governor the absolute necessity there was of his immediately beginning to fortife Albany and Schenectedah, but the Council and Assembly resolve to detain him till he has fortified their Castle Island. I carried with me one of the Surveyors Generall, and to make a beginning, I staked out one of Col. Romer's designes, vizt. the oblong square sent to your Lordships, beleiving it to be most conducive to the safety of the Town, and on the Coll.'s arrival I will forthwith order him to proceed, and from time to time give your Lordships an account of our progress, and as to the Fort at Onandage, not having seen Col. Romer, I have not been able to inform myself in that matter.

I most humbly thank your Lordships as to the augmentation of my Sallary, and shall from my arrival last from Barbados receive

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it, as your Lordships conceive I am intituled to by H.M. Commission, till H.M. pleasure be further known. I shall make it my entire business the improvement of H.M. Revenue, and take particular care that all the officers concern'd therein effectually doe their dutys. The books and accounts of H.M. Revenue are in the hands of the Commissioners for Accounts, but the late Act of Assembly being something defective, they could not very well proceed, but I have recommended it to the Chief Justice to make such amendments as it requires, and will to this Assembly the continuance of it for some longer time. *Signed*, John Nanfan. *P.S.*—I am disappointed of the 2d. quarters minutes, and this ship just going, I will send them by a vessel will goe very soon. *Endorsed*, Recd. 1st, Read Oct. 2, 1701. 2 $\frac{3}{4}$ pp. *Edges torn. Enclosed*,

758. i. Abstract of preceding. 1 $\frac{1}{8}$ pp.

758. ii., iii. Two copies of Lieut.-Governor Nanfan's Proclamation for dissolving the Assembly of New York. Whereas it hath pleased Almighty God, in the time of my absence from this Province, to take unto himself the truly noble Lord Richard, Earl of Bellomont, and that the time, to which the General Assembly was by His Excellency last prorogued, did happen after his death and before my Return again, by which means warm debates did arise and some misunderstandings happen about the right of administration of Government, and particularly in the House of Representatives, concerning the legality of their sitting, since the late Earl of Bellomont's decease. I being desirous to put an end to all differences and misunderstandings amongst His Majesty's subjects, the inhabitants of this Province, and that for the future they may be firmly united in his Interest and Service, as well as their own good and Wellfair, have therefore thought fit, and I do by these presents declare the Assembly of this Province Dissolved. Given at Fort William Henry in New York, June 1st, 1701. *Printed* by W. Bradford, Printer to the King's most Excellent Majesty in New York, 1701. No. iii. *endorsed*, Recd. Oct. 1, 1701. 1 p.

758. iv., v. Two copies of Lieut.-Governor Nanfan's Proclamation for fair elections of Assembly men. *Dated, printed and endorsed as preceding*.

758. vi. Speech of Lieut.-Governor Nanfan to the Assembly of New York, Aug. 19, 1701. I cannot but take it as a presage of the future success of my endeavours for the good of the Province, that at this time, when the danger of warr makes it requisite to be well assured of the fidelity of our Five Nations of Indians, they have not only repeated their assurances in such a manner as has been held sacred among 'em, but convey'd to the Crown of England a vast tract of land of great consequence for preventing their necessity of submitting to the neighbouring power. His Majestie, who is a

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most indulgent Father to his people, has manifested a particular care of you. Besides the constant charge of the additional forces, he has out of his owne Exchequer supply'd 2,500*l.* ster*l.* for Forts and 800*l.* in seasonable gifts to the Indians, and for the better administration of Justice among you, has settled 300*l.* a year upon a Chief Justice, and 150*l.* upon an Attorney General, all wch. are of that importance to you, that so much money may well be thought spared out of your purses. I perswade myself I need not press this as a motive for your continuing the Act intituled an Act for raising an Additional Duty for the defraying the debts of the Government, which expir'd in May last, and it may deserve your consideration whether the last Act for granting H.M. several duties for the defraying the publick charge of the Government want not some amendments, to make it more effectual; you cannot but know that [*your ?*] own interest and preservation are nearly concern'd in the support of the Government. This I hope may prevaile with you to lay aside all heats and animosities and to proceed unanimously to those things that may tend to the security and happiness of this Province. I should think that every man would be sensible that unity and unanimity is at this time more necessary then it has ever been since your being under the protection of the Crown of England. As I can answer for the sincerity of my own intentions, I doubt not but you will find a concurrence in the Council, and I hope we shall every one strive who shall excel in zeal for the good of this Province, and the service of H.M. *etc.* *Endorsed*, Recd. Oct. 1, 1701. *Copy.* 1½ pp.

758. vii. Journal of Capt. Johannes Bleeker, junr., and David Schuyler, Journey to Onnondage, being sent thither by the Commissioners for managing the Indian Affairs, Albany, June 2, 1701.

June 3.—We set out from Shinnechtady and came to the Protestant Maquase Indian Castle, and told them that wee were bound to Onnondage, to hear what Monsr. Marrecour had to propound to the Five Nations. *June 4.*—We came to the furtherest Castle of the Maquase. The Sachims desired us to stay a day, and they would send some of their number with us to Onnondage to hear what Marrecour had to say, which wee did. *June 7th.*—We gott to a Creek called Eghwake. *June 8.*—We gott to Oneyde, where the Sachims desired us to stay a day and they would send Sachims with us, which wee did. *June 9.*—Mathys Nack came to us in Oneyde with Instructions from the Lieut.-Governor and Council to require the Sachims of the Five Nations to meet His Honour at Albany in 30 days. Whereupon we convened the Sachims of this Castle, and acquainted them therewith, and gave them seven hands of

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Wampum. *June 10.*—We went from Oneyde with five Oneyde Sachims, and arrived at Onnondage, and called the Sachims together, and told them that the Lieut.-Governor expected them att Albany in 30 days, and gave seven hands of Wampum. *June 11.*—We sent two Onnondage Indians express to Cayouge and the Sinnekes Country to acquaint the Sachims to be att Albany in 30 days. *June 13.*—The two messengers returned. *June 14.*—This evening four Sinneke Sachims arrived, whom the Onnondages had sent for to hear what M. Marrecour had to propose, and to consult about two Belts, the one being sent by our Governor and the other by Marrecour. The Belts were relating to Religion, which were rejected by the Onnondages, what the Cayouges and Sinnekes will doe, time will learn. Dekannissore, Chief Sachim of Onnondages, lately from Canada, doth say that when he came to Montreall, the Governour received him kindly, saluting him with two kisses, telling him he was glad to see him alive, and while he was discoursing with the Governor, a person of quality came in whom the Governour's Interpreter told, This the great Hero, whose picture you have seen att Paris, and further that he din'd with the Governour at his table, and din'd also with a Clergy man, a Fryer, who desired that he might have his picture drawn, that he gott many presents of the Governour, a gunn with two barrells, a lac'd coate, a hatt, a shirte, tobacco and sundry other things. After six days' stay, he told the Governour he would return, which the Governor left to himself, adding that he would not press him to stay, since he knew that if he was not in the Castle all would run into confusion, telling him withal that he would be wanted there to send for the Cayouges and Sinnekes against Marrecour's coming to Onnondage. Dekanissore told the Governour he would send for all the Five Nations together and for his brother Corlaer likewise; the Governour told him he might do his pleasure, that he never said anything but everybody might hear it, and caused him to be conveyed by three French men above Cadarachqui, telling them not to lett him padle all the way, which was punctually observed.

We endeavoured to satisfie him of all the French Intrigues, and told him to goe to Albany to hear what proposalls would be made there with a considerable present, and that the rather because he had not been there last summer, when the Sachims were there, and being lately come from Canada would be best able to give an account of affairs there, asking him withall what he had done in Canada, who answered wee should hear that when all the Sachims of the Five Nations were met together,

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June 18.—We desired the Sachims to meet, since wee would send a post to Albany. They said they were not a full house, and soe could not give a positive answer, but as soon as the rest of the Sachims were come, would tell us when they went to Albany, and would send a post before. This day a post came, who told that Mons. Marrecour was a comeing, that he would be here to-morrow. A while after, a Frenchman and an Indian came, who desyred of the Sachims who were then mett, that they would receive M. Marrecour at Caneenda, 8 miles from Onnondage, and that some squaes should goe along to carry the baggage. The Sachims forthwith went with a great company to receive him. They asked us to go along, but we told them wee were sent to Onnondage, and not to Kaneenda. They came in the next day in great triumph with the French flagg. The Sachems mett together and the French made their proposalls, amongst the rest the Jesuit Bruyas told them of the King of Spain's death.

June 22.—When we were all convened, the Cayouges acquainted Corlaer and the Four Nations that they had lost their great Capt. last fall, called Kanonaweendowanne, and have got his brother to succeed him, who takes the same name. They gave a bunch of wampum to each Nation, and to Corlaer also. The Onnondages did also acquaint the Assembly of the great loss they had lately sustained by the death of Sakoghtinnakichte, one of their Chief Captains, last winter, and have nominated another in his room, with the same name, and gave each Nation a bunch of wampum.

June 19.—Dekanissore, Chief Sachim of Onnondage, doth in the publick meeting of all the Indians acquaint them that he had been lately at Canada, and had spoke to the Governour by 14 beavers as follows:—Father, You see here your Child who treated with you here last year, that if any of our people should be killed, wee were to acquaint you of itt, and now I am come to tell you that they have killed of our people twice since that time; and you told us then that you would send for those that did the mischiefe and they should make reparation. It had been most well if you had said then that those who kill should be killed themselves, if we had had a fowl heart, when wee were killed, wee would have killed them again. *Gave a Bunch of Wampum.*

You told us, your Children, to come and trade here, and now you see us come, who heartily salute you. *Gave three Beavers.* We desire you to let us have good pennyworths. *Gave three Beavers.* Your Governour are very unfare to goe about to build a Forte att Tuighsaghrondy before you acquaint us therewith. I thought you would have told us when you had any such design, and desire you doe not proceed with your worke till the

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middle of summer, and then our Sachems will be here when wee will treat about that matter. *Gave four beavers.* Wee hear they are going to warr in Europe. Tell us the truth of that matter.

We tell you further that the Wagannes take our land from us where we hunt beaver. Let them hunt upon their own land, els wee shall kill one another for the Beaver when we meet together. We doe suspect that some have been kill'd already by this means; therefore desire that the Waganhaes may make a little room, that we may finde out who knocks one another in the head. Let us have no controversie for that place where the Beaver keep.

The Governor of Canada answer[ed] with three Belts and a Bunch of Wampum :—Children, we treated here last year, and I told you, if any of your people were killed, to tell me of itt, and itt is now twice that I have heard your complaints of your men being kill'd. I have said nothing to it yet. But as soon as my ambassador comes from Ottawawa, I will think of your complaints. It would not be well to speak of it before I knew the matter. *Did give a Belt.*

I make a Fort at Tjughsaghrondy to supply you with all necessities, when you are a-hunting, powder and lead, etc. and what else you shall want. *Did give a Belt of Wampum.* You say it is warr, but I know nothing of the matter. It is now Peace with all you Five Nations, and therefore doe not hearken to any ill discourse, and be quiet and hearken not to your Brother Corlaer when he stirs you up to evil. It is now Peace as long as wee live, and if there be warr again let us fight along with your Brother Corlaer, and you may have powder where you please, either at Canada or from your Brother Corlaer, and then you will live in peace. You shall have two roads to goe in safety, while wee will be att war, one to your Brother Corlaer, and another to us in Canada. *Did give a Belt of Wampum.* You tell me I am not good, but nobody knows my thoughts. If M. Marricour had known my design last fall, he would have told you that I would have made a Forte at Tjughsaghrondy, and hereupon I gave a Bunch of Wampum.

Dekanissore *replied* :—You have now spoke, but I would not have you write anything down, for I cannot come to treat of any public affairs, only this I say, that you and our Brother Corlaer will quarrel because nobody knows your thoughts. I will acquaint your Brother Corlaer with what you have said, as also the Maquase.

This Dekanissore told in the presence of M. Marrecour, when he was about to make his propositions to the Five Nations, June 19, 1701, in Onnondage :—You Sachims

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of the Five Nations, your Father Nondio, Governor of Canada, calls you to come in 30 days to him. Did give a Belt of Wampum. I demand now all our prisoners, Christians and Indians, that are still among you, and I will now take them along with me. Did give a Belt of Wampum. I doe now acquaint you all that wee doe make a Fort at Tjughsaghrondy. We had such thoughts last winter, when you were at Kadarachqui to build a Fort there to prevent all inconveniences of the Waganhaes. Do give a Bunch of Wampum. I doe acquaint you with the death of the King of Spain, and that the Dauphin's youngest son succeeds him in that Kingdom, which is a very great country, and like to be a great deale adoe about itt, and how matters will goe yett, time will discover. When the King of Spain was upon his death-bed he considered that it would be best to leave his Crown to his nearest relation, and gave a Belt of Wampum, and told them further that he had sent some of his people to Cayouge and the Sinnekes to make the same propositions to them as he had done here.

Dekanissore came and told us that they were much confused in their meeting and extremely divided, some will have a Priest on the one side of the Castle, and a Minister on the other side, and asked our advice; we told him to take no priest into their country, if they were minded to live peaceably, for they would then have a Traytor always in their land. Your Brother Corlaer will never be able to speak a word to you, but the Governor of Canada will know it. Corlaer will never suffer it, soe long as sun and moon endures. How are you soe discomfited and affrighted? Do you not see how the French creep and cringe to you with beads and shirts to make friends with you? Would he do so, if he had any ill design? Be not afraid of the French; speak like men, and behave yourselves like soldiers, for which you have always been famous.

Dekanissore *replied*:—We are afraid the French will make war again upon us, and what can we do then, poor people, for all them that he pronounces dead are certainly dead. We have found it soe by experience, as also our brethren the Maquase, and if we comply not to what he will have us, we fear he will come again and kill us. *We answered*:—You talk of nobody but Onnondio, the Governor of Canada, or do you think that your Brother Corlaer cannot be angry likewise? He has tendered you first a Protestant Minister, and would you now take a Popish Priest? That would render you ridiculous. Wee admire that you are so afraid of the French, when there is no cause, when you can support your reputation, can you not see that the French are in want? How are you so brutish and stupid? I was at Canada this spring, and see their scarcity of provisions, and where-

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with would they goe to war? Be not afraid, speak like men. Neither dare the Governor of Canada make war upon you before there is a war between the two Kings at home, and if that happened the Brethren would see what care our King would take of you.

Dekanissore *replied* :—It was concluded in our Covenant that he that toucht one, all the rest would resent it, but we found it otherwise, when the French came and destroyed our country and the Maquase, we gave you seasonable warning, but got no assistance, and that makes us afraid what to doe.

About 10 o'clock at night Dekanissore came to us again, and told us they were still divided in their opinions, and that he had not slept in two nights, and prayed our counsel what to do. We told him to keep the Priest out of the Country, to keep their land clear and free, and not to fear.

June 22.—Dekanissore *said* :—We are desired by both parties to turn Christian, in the first place by a Belt given us in this House by Col. Peter Schuyler Queder, and Mr. Livingston, Secretary, and then another Belt sent by the Governor of Canada. We see both the Belts hang in their Court House, the French being present, and all the Five Nations, they said :—

Brother Corlaer and Governor of Canada, You both tell us to be Christians; you both make us madd, we know what side to choose, but I will speak no more of praying or Christianity, and take the Belts down and keep them, because you are both too dear with your goods. I would have accepted of his Belt, who sold the cheapest pennyworth. Would you have me put on a Bear-skin to go to Church withal a Sundays, wee are sorry wee cannot pray, but now wee are come to this conclusion, those that sells their goods cheapest, whether English or French, of them will wee have a Minister. Our Sachims are going, some to Albany, some to Canada, in the meantime wee will consider of itt till winter. We believe the Christians are minded to warr again, because the Priest is so earnest, that we should be newter. We will hold fast to the Peace, and if there be any breach, it will be your faults, not ours. You must hear us speake before you engage in a warr again. *Gave a Belt of Wampum to us and another to the French.*

Dekanissore told us he would not go to Canada (as he was once designed), because he could not get his request granted of having goods cheap. What pains he tooke was not for his private gain, but for the good of all the Five Nations, and those that gave the best pennyworths, them they would love best.

June 23.—All the Sachims of the Five Nations being convened, said Corlaer, we are now going to tell you what happened in our hunting with the Waganhaes or

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Far Indians. We have made peace with four of their Nations, and we got some skins from the Waganhaes, which is a sign of Peace. They said they would conceal nothing from us. *Interpreted by* Lawrence Claese. *Signed,* Johannes Bleeker, jr., David Schuyler. *Translated out of the Dutch by,* Rt. Livingston, Secretary for ye Indian Affairs.

June 24.—Onnondage. After Capt. Bleeker's Departure to Oneyde, the House being met, Dekanissore said he believed when the Sachims would come to Canada, the Governor would insist upon having a Jesuit in their country, and if he does soe, what shall we do? David Schuyler replied that they should never agree to that; that they were assured our Governor would never suffer that, so long as the sun and moon endured. He believed the Sachims would grant it notwithstanding, because they feared the French.

June 25.—A messenger comes from Canada to Marricour, who caused the Sachims to meet, and tells them that he had received news from Ottowawa from Mr. Cortemansche, that all their prisoners were coming, wch. they had among the Waganhaes, and that they would be in Canada in ten days time, and that the Sachims were called to be in Canada in 14 days time.

The Sachims being convened, Dekanissore told M. Marricour, Corlaer tells us we are Masters of our own land, and the Governor of Canada has told us the same. And now, without speaking a word, do you go and build a Fort at Tjughsaghrondie? My brother Corlaer is instant with me to turn Christian, and Onnondio also. If but one had desired it, we would have accepted, for we Sinnekes are minded to have one faith.

June 27.—Early in the morning a canoe with three French and two Indians went to Canada, to bring the news that the Indians were coming.

June 28.—M. Marrecour went from house to house to get the French prisoners, and got 3 women and a boy. Among the rest, he comes into a house of an Indian called Taghwangeronde, and finds a little French boy, whom he got to his lodging after much adoe, and when he was taking him to Caneenda, to the Canoes, the boy cried desperately. At last two Indians came to rescue the boy, and stood between him and Marricour, and told him he should carry none away against their will. Then Marrecour let him go, and said "You are Masters here," and went to Caneenda, and meeting several squaes, told them he would be back in thirty days, to compel those that are unwilling to deliver over the prisoners. When the news came into the Castle, the Indians were much perplexed, and called their Council forthwith, and sent Dekanissore with a Belt of Wampum to

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M. Marrecour, telling him to have patience till the Fall for the prisoners, and gave him a Belt, which he rejected, telling him to carry it to those who were unwilling to deliver up the prisoners, and to tell them to deliver them up, and so Dekanissore came back to the Castle.

The Indians were all very much troubled and afraid, and sent a post to Marricour, and desired him to stay till next day at noon, which he promised to doe. Then the Sachims went about all night for prisoners, and got three women, and in the morning Dekanissore went with the prisoners to Caneenda, and I went along with him to hear what he would say to Marricour.

June 29.—At Kaneenda. Dekanissore said to M. Marricour:—We Children of Onnondio, Governor of Canada, have now spoke of peace, and we would have been angry, if we had got no prisoners from you. When we Sachims come to Canada, we doe not concern ourselves with prisoners and you cause us to intermeddle with them here. Here we give you three, and we expect that as soon as you come home you do the same. I do not speak of the prisoners that are among the Dowaganaes, but those that are under your roof (*pointing to the priest*) in Caghnuage, and if they do not come, it will be your fault. You will stir them up, but we expect that all those that are unwilling, you will binde them and throw in our canoes, and as for you, M. Marricour, you had last fall 50 or 60 prisoners from hence, and we have not had one from you, and you come and speak of peace, and are scarce set down to smoake a Pipe, but talk of coming and knocking us in the head, and therefore I say, Nobody knows your heart. We have now peace and that we will keep.

The Jesuit promised in Marricour's name, that they would do the same with their prisoners as they now had done. Dekanissore called the Priest aside alone, and said that he would be now disobedt., for he would go to Albany in ten days time. The Priest answered, he might doe as he pleased. *Signed*, David Schuyler, Lawrence Claese. *Translated out of the Dutch by Robt. Livingston, Secretary for ye Indian Affairs. Endorsed, Recd. Oct. 1, 1701. 24 pp.*

758. viii. Conference between Lieut.-Governor Nanfan and the Five Nations of Indians. Albany, July 10, 1701. All the Sachims of the Five Nations (who arrived here yesterday) repaired to H.M. Fort at Albany, and they were heartily glad to see the Lieut.-Governor and that H.M., whom they call Coraghkoo, had been pleased to pitch upon him to succeed the late Earl. They were come upon his Honour's message, and had brought no presents now.

The Lieut.-Governor returned thanks and assured them of H.M. favour and protection and his own readiness to serve them.

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The first day's conference was held in the City Hall, July 12. The Lieut.-Governor announced the death of Lord Bellomont, and assured the Sachims of the Five Nations of H.M. favour and esteem, which they would find by the present he has sent from England and now brought to them, as a mark of his favour for adhering to the interests of the English Crown. "I am not a stranger just come among you, and therefore not surprised to hear that the French of Canada continue their practices and wicked artifices to deceive and seduce you. I hear that M. Marricour and the Jesuit Bruyas, Agents sent by the Governor of Canada, have been lately at Onnondage. I desire to know their business and negotiation with you; also what progress you have made in that matter of moment recommended you soe highly in the last Conference, to make peace with the far Nations, whom the French have so long employed to kill your people. You must needs perceive their drift by such methods. It is to extirpate your name, without which they cannot reckon themselves secure in their country. I am glad to hear you have refused to accept of a Popish priest in your country. You shall not fail to have Protestant Ministers to instruct you. We expect some very soon over, but if you receive a French Priest into your Country, I must take it as a total defection of your loyalty to the English Crown. I hope you have prevailed upon your brethren that deserted you, and went to the French, to return back to a plentiful country, rather than to starve at Canada. I doubt one of M. Marricour's principal errands has been to fetch from your Castle Indian corn to subsist the people of Canada, almost famished for want of food. Pray tell me if they have not made another trip from Cadarachqui for Indian corn, since our people came from thence."

July 14.—Answer of the Five Nations. Names of Sachims attending given, 33 in all. Brother Corlaer, We are glad to see you in this station. We must own ourselves very happy under so gracious a King, who was so prudent and provident to send over two Governors, the one to succeed the other. We take it to be his great care and love to us. We are sorry for the death of our late Governor, and hope his soul is in Heaven, and are glad to see that so good a man as yourself succeeds him. We must esteem ourselves extream happy that our Brother Corlaer is a young, active man, expert in war. It is the joy of all our young people to see a Governor fit for service, and that can travel and endure fateague. We will all have our eyes fix't upon you, the rather because we meet with great difficulties dayly from the French of Canada. We doubt not but you will be careful to keep and maintain the Covenant Chain firme, as the late Governor has done. We pray that you

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may long continue in your station, and that we may frequently see one another in this City, the general place of Treaty of all the Five Nations. We do with all sincerity acknowledge the great kindnesse that H.M., our great King, has for the Five Nations. We will endeavour to behave ourselves as such that may merit H.M. esteem. You are desirous to know what the French Agents have done in our country. Their principal business was to settle a priest among us to teach us Christianity, but we have so often had experience of their wickedness and fallacy, that we have positively denied him any access there, for by the Priests' means we have been brought very low; they have been the occasion of the death of many of our men, and of a great breach in our country by seducing our people to Canada.

You are also desirous to know what private negotiations or underground dark dealings there has been with the French in our country. We have made strict enquiry among our people, and can learn nothing but what the people you sent hither are privy to, and what they entered down in writing. If you know of anything else then what they have given you an account of, pray tell us. We shall be glad to be informed. You know, brother Corlaer, that as often as the Covenant Chain has been renewed, it has always been agreed that neither party was to listen to any stories or falsehoods. As to what treaties we have made with the Dowaganhaes and other far Indians, we have endeavoured to acquaint you by the sending of a large ship, upon which the Castles are painted with whom we have concluded a Peace (meaning that Elk-skin, sent by Capt. Blecker and David Schuyler, where there is two Castles painted with red upon it), adding, they have made peace with seven Nations, and that the two nearest Nations are only painted, as being the principal. The names of the said seven Nations are, Skighquan, Estjage, Assisagh, Karhadage, Adgenauwe, Karrihaet, Adirondax. As to our Indians debauched to Canada by the French, we have used all endeavours imaginable to get them back, but cannot prevail. The Jesuits have so great influence upon them that they stop their coming to their own country, and the Governor of Canada has them now wholly devoted to his service.

The Lieut.-Governor told the Five Nations that he was glad they had made peace with so many of the far Indians, and hoped it might be lasting, and desired to know how many Nations there were still in war with them. They answer, six, besides those we do not know. *Signed*, P. Schuyler, J. Johnson Blecker, Mayor, Johannes Blecker, Recorder; Johannes Schuyler, David Schuyler, Johannes Abeel, Johannes Roseboom, Johannes Cuyler, Wessel Ten Broek, Aldermen;

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Hendrick Hanse, Jonathan Broadhurst, Sheriff; Johannes Baptist van Eps, Lawrence Claese, Interpreters. Rt. Livingston, Sec. for ye Indian Affairs.

July 18.—*Lieut.-Governor Nantun replied* :—I am glad to see you so sensible of your happiness in being under the protection of so glorious and puissant a monarch *etc.*, who has not been unmindful of you *etc.* I shall not count it any hardship to expose my person to the utmost hazard and fateague for the Brethren's safety. I have perused the Journal of these two Gentlemen that were sent to your Country, when the French Agents were there. I cannot approve of the late negotiation some of your people have had at Canada with the Governor there. It is a disparagement to the Five Nations to go to the French to complain. When any of the far Indians kill your people, you ought to defend yourselves like men, and resist force with force, and not creep to those whom you know set those very Indians upon you on purpose to extirpate your name and memory, and in order to support and defend your selfe, the King has sent you some choice arms and ammunition, which shall be now given you. I wonder that I have not heard of that design of the French's, and that you are not more zealous to oppose it, vizt., their building a forte at Tjughsaghrondie, *alias* Wawyachtenok, the principal pass where all your beaver hunting is. You must not suffer it by any means. I am informed it is your land, and you have won it with the sword, at the cost of much blood, and you let the French take it from you without one blow. You can never expect to hunt beavers any more in peace, if you let them fortifie themselves at that principal pass. If you are minded to secure your posterity from slavery and bondage, hinder it. Remember how they got Cadarachqui, and what a plague that place has been to you ever since.

It would seem by proposals I have lately heard were made at Canada, that there has been some overtures of Trade offer'd, which I cannot believe, being well assured that there is much better pennyworths here; they never being able to afford their goods so cheap as wee. I fear it's with design to delude you, for which in time the Brethren may become sufferers. I hope you have maturely considered the Governor of Canada's answer to Dekanissore, how he puts you of with shams for your blood by him caused to be shed by the far Indians, and what frivolous pretences he makes of his Agent not being returned from Ottowawa and that is all the redress you must expect from him. If you cannot see his deceit by all this, you must be wilfully blind. He tells you he will make a Fort at Tjugsaghrondie, or Wawyachtenok, to supply you with necessaries when you are a-hunting, and to secure you

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from the Ottawawaes, but when the Fort is made, then he will command you and your Beavers to[o], nay, you shall never hunt a beaver there without his leave. Do you not remember how the French long ago desired but leave to make a hut at Cadarachqui for a smith to be there to mend your arms, and when that was granted, they built such a stone fort that has since been a prison for your people trapan'd. The Governor of Canada is soe much troubled at your happiness in our Union, that he studies all ways to make a breach of that harmony, and therefore would insinuate to you to sit still if a war should happen, but we hope you need not be told at this time of day how pernicious that would be for the Brethren, who are often to secure and careless, if the French (who are a subtle and vigilant enemy) should come unawares and cutt you off at once. It's true it is now peace, but remember I tell you; you are not to receive any directions from the French. How you are to behave yourselves in case a war breaks out, you shall have from me. There is a Covenant Chain wherein all H.M. Christian subjects on this Main of America and the Brethren are included, which I am now come to renew, according to the ancient custom. Let that be kept clean and bright on your parts, as it is and shall be on ours, and then you need not fear, but all will be well, and you shall never want powder and arms to defend yourselves, and good security for your wives and children to retreat to upon occasion, where they shall have provisions provided for them. I find you have sent some of your Sachims to Canada, whom it's believed the Governor of Canada will practice upon to take Popish Priests into your country, and you seem to be jealous they will agree to it because they fear the French. I doubt not but you have given directions to the contrary, for I cannot admit of a Popish Priest in our territory. It is against our Laws as well as your interest. The King will take care to send Protestant ministers to instruct you. The great King is so much concerned for your security that he hath been graciously pleased to give a considerable sum of money to be expended in building a stone Fort here and at Schenectady to defend you from the attempts of an enemy. The Fort here will be made so large to harbour all your wives and children upon occasion, where you may freely make your retreat and be supplied with provisions *etc.* I would have begun now if the Ingeneer was here, as soon as he returns from Boston, I design to set 3 or 400 men at work. When these Forts are built, I doubt not but it will be a means to induce those of the Five Nations that are gone to live at Canada to return.

I am glad you have made a peace with 7 Nations of the Far Indians. Try to make peace with the rest

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as soon as you can, for that will much contribute to your future tranquility. You cannot give the King a better testimony of your loyalty, than by rejecting all Popish Priests, and hindering the French to build Forts upon your land. *List of presents given to the Indians, with private presents to each Sachim.*

Propositions made by the River Indians to Lieut.-Governor Nanfan. Albany, July 18. We welcome you as Governor. *Do give two beavers.* We are now 200 fighting men belonging to this county of Albany from Katskill to Schackkook, and hope to increase in a year's time to 300. *Do give a Belt of Wampum.* We are not your friends and children outwardly with the mouth, but in heart. We will not call ourselves brethren, but we are your children. *Do give two beavers.* We rely upon the Governor as our Father, and never have any news but what we communicate to our Brethren the Sachims of Albany, and when you have any news that relates to us, we desire that you will not keep us in the dark. *Do give two beavers.* Father, It is now 26 years ago since our Father, the then Governor, planted a great Tree under whose branches we now shelter ourselves, and hope that the shade thereof will always be refreshing and comfortable to us. *Do give two beavers.* We have been so fortunate, that our number is increased. So that we cannot all be shaded by one Tree, and therefore desire that another Tree, besides that Tree at Schackkook, may be planted, for we are in hopes that our number will dayly increase from other parts. *Do give two beavers.* When we first came here from New England, we were poor, mager (? meagre) and lean, and by the shade of that Tree at Schackkook we have flourished and grown fat. We never deserted, but kept our post. Our neighbours, the Maquase, have not been so fortunate, for their Tree was burnt (meaning the burning of the Maquase Castles by the French). *Do give one Beaver.* It is now ninety years agoe since the Christians came first here, when there was a Covenant Chain made between them and the Mahikanders, the first inhabitants of this River, and the Chain has been kept inviolable ever since, and we have observed that neither bear's grease, nor the fat of deer or elks are so proper to keep that Chain bright. The only sovereign remedy that we have found by experience in all that time to keep the Chain bright is Beavers' Grease. *Do give two Beavers.* We have been so happy never to have had the least flaw or crack in the Chain; there has been breaches round about us and great differences, but the Chain wherein the Maquase and we are linked has been kept inviolable, and we pray that our Father will keep the same soe for ever. *Do give two Beavers.* Pray Father, what can be the reason of the great dearth of

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the goods ? Our Christian Brethren tell us they came a great way over the great Salt Pond, but the Beavers must be fetched a great waye also, therefore we pray that the goods may be cheap. *Do give two Beavers.* We pray that all publick business may be transacted in Albany in the Court House, the ancient place of Treaty, and by those that formerly have been accustomed to do it. Let the news come from Onnagonque, Pennekook, Mobogs' Country, New York, or where it will, pray let there be no alteration of that place. For business to be negotiated in the woods or in any private place by a single person, as lately has been practicable in our late Father's time, is not soe agreeable. *Do give a Belt of Wampum, and seven Bearskins and seven Elks.*

Lieut.-Governor Nanjan's Reply to the River Indians :— I shall be glad to hear that you prevail upon your friends the Pennekooks and other Eastern Indians to come and settle among you. I do erect another tree at Skachkook, which shall be so large and flourishing that the branches will shade and cherish as many of your friends as will be persuaded to come and live peaceably in a fertile soil and pleasant country, for you know now by the long experience of ninety years that we have the best Laws and Government in the world, and therefore God blesseth and increaseth the same accordingly. I am glad to see Happuwa, the Sachim, here again, who, I hear, was once almost deluded by the French. It's a sign he has great fortitude to resist all their temptations. He will now be a fitt person to caution the rest of his Castle.

Children, you do well to communicate whatever news you have to the Gent. of Albany, who always will give me an account thereof, and I will take care that you shall not only have an account of all public matters relating to the Indians, but that no private conferences or correspondence shall be kept, but publickly in Albany by those Gentlemen. The Great King, my Master, being made senceible of your steddly adherence to the Crown of England, sufficiently demonstrated by your forward and frequent venturing your lives against the French in the late war, has been graciously pleased to command me to assure you of his Royal Protection, and has sent you a present. But if I had known you had been so numerous, the present should have been more considerable. I will be mindful of that as you increase in number. I shall conclude with a caution that you be careful none of your people be deluded by the French, as many of the Five Nations have been, to the great diminution of their strength and vigour, and endeavour to lead a sober life, which will not only be a means to strengthen you, but will invite others to come and live with you, *Presents enumerated.*

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*July 19.—Reply of the Five Nations to the Propositions of the Lieut.-Governor Nanfan, July 18:—*We give you ten Beavers to be sent to the King, to acquaint him that we have condoled the loss of our deceased Brother (Lord Bellomont). We are comforted to see so young a man to be our Brother Corlaer, and as you are a soldier bred, soe wee doubt but you will be active if a war should break out. We assure you of our real intentions to cleave close to you. *Do give ten Beavers.* We complain of the French of Canada's incroaching upon our territories, and that they build Forts upon our land without our consent. We pray that the great King of England may be acquainted with it, and that he will be pleased to take care to prevent it. *Do give ten Beavers.* We do renew the Covenant Chain, and make it bright and clean, which has been kept so by our ancestors for many years, and we fasten the Covenant Chain to the hills which lie round this City of Albany, for Trees rot and decay, but the hill will remain unmoveable. We do also bemoan the blood you lost last war with the French. *Do give ten Beavers.* Let the Covenant Chain reach from New York to Sinnondowanne or the Sinnekes Country, that all the people that live under it may be secure from all attempts of an enemy. We would remove the end of the Chain to Tiochshaghrondie, or Wawyachtenok, were it in our power, but the French would mock at it, for they have taken it in possession already against our wills, sending people thither to make a Fort, but we hope they will be removed speedily. *Do give ten Beavers.* If the French make any attempts, or come into our country to delude us, wee desire you to send men of wisdom and understanding to countermine them, for they are too subtile and cunning for us, and if you can convince them, that will be a means to stop their designs and so prevent their ill intentions. *Do give ten Beavers.* We desire that our Secretary, Robt. Livingston, may be sent to Corachkoe, the great King of England, to acquaint him how the French incroach upon our Frontiers, and to pray him to prevent it, else we shall not be able to live. They will come nearer us every day with their Forts. We doe give and render up all that land where the Beaver hunting is, which we won with the sword 80 years ago, to Corachkoe and pray that he may be our Protector and Defender there, and desire our Secretary may write an Instrument, which we will sign and seal, that it may be carried by him to the King. We fear, if he does not go, there is so much business, this will be only read, laid aside, and forgot, but if he goes, we are sure we shall have an answer. *Do give ten Beavers.* Pray let goods be sold as cheap as formerly. The Governor of Canada draws many of our people by the

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means of selling better pennyworths than you doe. Let the Beavers come to their old price again, and let the great Custom upon them in England be taken off. We do give you ten Beavers to send to the King, praying H.M. to make a Beaver-hat of them, and then we hope all his good subjects will follow his example, and were Beaver hatts again, as the fashion was formerly. We believe, as you are Governor, you have the command, and that the Traders must obey, if you order it. Therefore let them begin to-day to sell good pennyworths. *Do give ten Beavers.* If a war should break out between us and the French we desire you to come and stay here, that you may be ready to assist and defend us. You live a great way off at New York. You are a soldier, and such men we love, therefore you must come and live at Albany. *Do give seven Beavers.* Concerning French Priests to be admitted in our Country, it is a general conclusion of all the Five Nations to expel them, and to suffer none to come among us. We see you have Ministers here, and expect to be supplied from hence.

We are inclined to be instructed in the Christian Faith, and rely upon you, leaving that wholly to our Brother. The French Priests have been the ruin of our Country, and therefore have no cause to suffer them any more. *Do give ten Beavers.* The Governor of Canada has sent a party of men, who are gone behind our country privately to build a Fort at Tjughsaghrondie. You are desirous to know what we have done in that case. Your people that have been at Onnondage can tell you we thought this Government would have done something in the matter, and to have found you busy in your books and maps (meaning, that the line should be run between the two Governments). We can doe nothing in that case. You know we have not power to resist such a Christian enemy. Therefore we must depend upon you, Brother Corlaer, to take this case in hand, and acquaint the great King with it. For what will become of us at this rate? Where shall we hunt a Beaver, if the French take possession of our Beaver Country? *Give nine Beavers, and two Otters.* We have a small right in the Maquase River at Canastagiowne, to wit, five small Islands, containing about five or six acres, between Rosendael and Cornelis Tymese's, which we give to Jan Baptist van Eps and Lawrence Claese. the two Interpreters, John Baptist to have the uppermost half. We cannot omit to acquaint you of the deceit of the smiths, who takes our money, and instead of putting steel into our hatche[t]s, puts iron, so that as soon as we come into our country to use them, they fall to pieces. Your traders are very ungrateful; as soon as they have got our Beaver, turns

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us out of doors. Let us love one another, and not suffer such things to be heard among us. *Do give ten Beavers.* We Maquase have now two Castles that are begun to turn Christians. We desire that we may have a good large Church, made in the nearest Castle, called Ochniondage, which was promised us by the late Earl, and let it be so large as may contain us all. There is only a little chapel made of bark now; a small number makes it full. The Traders have a bad custom to trust our people, and when the men are dead, come upon their widows, insomuch that, when they come to town to buy anything, the Traders take the Beavers from them for debt. Pray let that ill custom be remedied.

After the Five Nations had made an end of speaking, the Lieut.-Governor condoled the death of Sadeganaktie's son and Osneragichte of Onnondage, and Sinnanuanuwan, a Chief man of Cayouge, by laying down three Belts of Wampum, and was glad that there were good men put in their room. *Signed as above.*

July 21.—Five of the principal Sachims, Sadeganaktie, Sachim of Onnondage, Speaker, Canadagarriesk of Oneydes, Sadgeowanne of Cayouges, Tohowaregenni, Senessewanne, Sinnekes, went up to the Fort and spoke to the Lieut.-Governor:—When the Earl of Bellomont came here with the news of the Peace, we were told that all prisoners on both sides should be set at liberty. But the Priests and the Governor of Canada detain our people in Canada, upon pretence to make them Christians. Therefore, Brother, pray see to get our people here to this Town, and when they are gott so far the Ministers here will instruct them in the Christian Religion, which will be a means that they will at last return to their own country again. When Queder (Col. Schuyler) went to Canada, then we were in hopes to have them all back, but the French detains most of them still. We believe our great King does not know; if he did we doubt not but we should have a better account of it. If you had told us that you despaired of any success, we would have presst harder to get them over to us again. What shall we do, if the French continue to draw away our people and ineroach upon our country? They build Forts round about us and penn us up. It is now Peace, we cannot hinder them; neither is it in our power to resist them; they have drain'd us of our people, they all goe to Canada upon pretence of Religion. We see it is only to enslave us. We know very well how they did at Cadarachqui, and soe they came nearer and nearer. They are going about to make a Fort at Keen-thee, on the other side of Cadarachqui Lake, another principle passage, which our Indians cannot shun, when they come from their hunting. We hear that one of our Indians, called Orojadicka, that has been two years

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among the French in Canada, and is there still, has given consent to build this Fort, but we Five Nations know nothing of it. Neither will we give leave, for by such means the French possess themselves of our Territories. Therefore, pray, Brother, hearken to us and send over our Secretary, Robt. Livingston with all speed. Pray let there be a good large canoe (such as the English sayle with over the great Salt Waters) provided for him forthwith that we may have an answer with all expedition.

The Sachims were asked whether letters writ by their Secretary, and sent by their Brother Corlaer to the King, would not doe as well. They replied that they had come again to insist that he be dispatched, and we pray you to send us word when he is gone and when he returns. The Lieut.-Governor told them he would consider of their proposition. *Signed*, Pr. Schuyler, J. Johnson Bleeker, Mayor, Rt. Livingston, Secretary for ye Indian Affairs. *Endorsed*, Recd. Oct. 1, 1701. 36 $\frac{3}{4}$ pp.

758. ix. Copy of an Instrument of Conveyance of a Tract of Land from the Five Nations to H.M. Our Ancestors, to our certain knowledge, have had, time out of mind, fierce and bloody war with Seven Nations, called the Aragaritkas, whose chief command was called successively Chohahise. The land is scituate N.W. and by W. from Albany, beginning on the S.W. side of Cadarachqui Lake, and includes all that vast tract of land lying between the great Lake of Otteewawa and the Lake called by the Natives Cahiquage, and by the Christians the Lake of Swege, and runs till it buts upon the Twichtwicks, and is bounded on the right hand by a place called Quadoge, containing in length about 800 miles and in breadth 400, including the country where the Bevers, the deers, elks and such beasts keep, and the place called Tieugsathrondis, *alias* Fort De Tret, or Wawyachtenok, and so runs round the Lake of Swege, till you come to a place called Quiadarondaquat, about 20 miles from the Sinnekes' Castle. Which said Seven Nations our predecessors did fourscore years ago totally conquer, and drove them out of that country and had peaceable and quiet possession of the same to hunt Bevers (which was the motive caused us to war for the same) for three score years, it being the only chief place for hunting in this part of the world. After we had been 60 years sole Masters of the land, a remnant of one of the Seven Nations, called Tionondade whom we had expelled, came and settled there, twenty years ago, and disturbed our Bever hunting, against which Nation we have warred ever since, and would have subdued them long ere now, had not they been assisted by the French of Canada, and whereas the Governor of Canada has lately sent a considerable force to Tieughs-

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aghrondo, the principal pass that commands said land to build a Fort there, without our leave, by which means they will possess themselves of that excellent country, and also will be masters of the Bear-hunting whereby we shall be deprived of our livelihood, and brought to perpetual slavery, and we having subjected ourselves and lands on this side of Cadarachqui Lake wholly to the Crown of England, have freely and voluntarily surrendered and delivered up unto our Great Lord and Master, ye King of England, called by us Corachkoe, and by the Christians William III, provided we have free hunting for us and our descendants for ever, and that free of all disturbances, expecting to be protected therein by the Crown of England. *Actum in Albany in the Middle of ye High Street, July 19, 1701. Signed, (with their Totems reproduced, N.Y. Documents, Vol. iv. p. 910), Sinnekes Sachims, Tehonwarengenie, Sonachsowanne, Tosoquatho. Maquase, Tsinago. Cayouges, Sodsiowanne, Tehodsinogajo, Nijuchsagentiskoa. Onnondage, Tegachnawadiqua, Kachwadochon, Tagadschede, Sadeganasttie, Achrircho. Oneyde, Degaronda, Canadagarriax, Tiorachkoe. Mayuase, Onucheranorum, Teoninhigarawe, alias Hendrick, Tirogaren, alias Cornelis, Sinnonquirese, Tanochrackhoss. On back, Sealed and delivered in ye presence of us, Pr. Schuyler, J. Jansen Bleeker, Mayor; Johannes Bleeker, Recorder; John Abeel, Johannes Shuyler, David Schuyler, Wessel Ten Broek, Johannes Roseboem, Johannes Cuyler, Aldermen; Dirk Wessells, Justice; James Weemes; Jonathan Broadhurst, High Sheriff; M. Clarkson, Secretary; S. Clows, Surveyor; Rt. Livingston, Secretary for Indian Affairs. Endorsed, A true copy, John Nanfan. Recd. Oct. 1, 1701. 1 large p. Parchment. [C.O. 5, 1046. Nos. 33, 33. i.-ix.; and (without enclosures) 5, 1118. pp. 412-16.]*

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Whitehall.

759. Council of Trade and Plantations to the Hon. Christopher Codrington Esq., Captain General and Governor in Chief of H.M. Carribbee Islands lying to Leeward from Guardaloupa to St. John de Porto Rico. Since ours of June 26, we have receid one from you of the 8th and another of the 30th of the same month, and also one by the hands of Col. Fox, dated Jan. 30th. As to your enquiry about the legality of Col. Foxe's proceedings, you will already have received a full and direct answer by our letters of Dec. 11 and 17, which being in pursuance of H.M. Order in Council, we can add no more thereupon, but that you are to observe the same. We hope the care you have taken for the security of St. Christopher's will have a good effect, but we wish you had also sent us a particular account of the wants of that and the other islands under your Government, as we have already desired, that we might accordingly have represented the same, in order to such assistance as might be found necessary. If Mr. Mead, or any other person, bring in any complaints before us,

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you may be sure we shall do you the justice not to proceed to any determination till we have acquainted you therewith and received your answer. We have not heard yet from the Commissioners of the Customs what they think of his behaviour, but when anything relating to him comes before us, we shall not be unmindful of the character you give of him. We enclose a copy of the Memorial of the Widow of John Corbet, of Antegoa, which matter we desire you to enquire into, and to give us an account thereof, that if any such Act, as she apprehends, be past, we may have a full state of the case before us, and be thereby enabled to report to H.M., as shall be found reasonable.

As to your desire of an Attorney General, we will confer with Mr. Cary about it, and shall always be ready to assist your endeavours for the public good. *Signed*, Your very loving friends, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 153, 7. *pp.* 221-223.]

Aug. 20. **760.** Col. Codrington to the Council of Trade and Plantations. Duplicate of Letter Aug. 18, *q.v.* re Eltrington. *Signed*, Chr. Codrington. $1\frac{1}{4}$ *pp.* [*C.O.* 152, 4. *No.* 43.]

Aug. 20. **761.** Governor Codrington to the Council of Trade and Antigua. Plantations. I writt to your Lordships lately that I was informed Mr. Mead intended to complain of mee. I have been able yet to discover but one particular of that intended complaint, which is soe silly in itselfe and soe much to Mr. Mead's disadvantage that I believe hee will not think fitt upon cooler thoughts to trouble your Lordships with that or any else. However I have directed that affairs shall bee sett in a true light. And I believe your Lordships will receive some papers concerning it from Nevis and St. Kitts. I shall take effectual care my reputation do not suffer for want of due enquiry, as my father's did. I have already beg'd your Lordships not to spare mee in the least, if any complaints should be laid against mee. In ye meantime, since ye base and barbarous usage my father met with give mee sufficient reason to be very jealous and to be upon my guard even before I am attaq'ut. Give me leave to use the freedom of an English man and an honest man. I have ever since my arrival here laid out my tyme and thoughts entirely upon ye publick service. I have acted with the same sincerity that other men think, I have made a great many severe reflections upon the design of Government in general, and I have applied those general reflections to ye particular circumstances of these Islands. I have had noe other aim than ye happiness and true interest of ye people I have the honour to command, I say the true interest, because the inhabitants here are apt to mistake it. But I have endeavoured to make them sensible their interest must be subservient to that of England, and in a great measure I have attained that end. I have never had it out of my thoughts that *Quicquid sub terra est in apricum proferet atas*, and the discovery will never prove to my dishonour. Your Lordships commanded an account of our small arms and artillery. As for our small

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arms, I think I have some time since writ your Lordships I can find noe stores but some old arms spoilt with rust and thrown together in heaps, and 'twill always bee so till we can build proper magazenes, and entertain gunsmiths and other attendants to keep them in order, for the moisture and heat of these parts immediately destroys our English arms. The French locks are much better temper'd and hold well a great while. For ye great artillery your Lordships have an acct. of it in a paper apart. I have due regard to your observations on our Acts, but shall say nothing on that head, till I send home some Acts for your approbation. *Signed*, Chr. Codrington. *Endorsed*, Recd. 15th, Read Oct. 16, 1701. 1 $\frac{1}{2}$ pp. *Enclosed*,

761. i. Col. Codrington's account of the Artillery in the Leeward Islands, and of what is required. *Same endorsement*. 7 pp. [*C.O.* 152, 4. Nos. 46, 46. i.; and 153, 7. pp. 251-253.]

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762. Council of Trade and Plantations to Lieut.-Governor Stoughton. Since our letters of May 15 and 20, we have received yours of April 10 and 28 and June 3. We have upon several occasions laid before H.M. your desires that supplies of stores of war should be sent from hence, and when a new Governor is dispatched, he may probably be inabled to bring you some small quantity. In the meanwhile, as the Government of that Province lies chiefly committed to your care, we are obliged to exhort you to use your utmost endeavours with the General Assembly that they exert themselves vigorously in providing for their own defence. Their neglect in that, as in some other things, has been very great. You will have seen what we have writ several times to the Earl of Bellomont to stir them up to their duty in that matter. All which you are now to take as directed to yourself. And as the Province can do nothing better, as well for their own interest as reputation, so you cannot render to H.M. any more acceptable service than in promoting the same in the most effectual manner. Your care in sending Commissioners to treat with the Indians is very well and we shall be glad to hear the good effects of it in your next. We send you here inclosed the copy of an Order of Council, June 12, confirming the Acts past in the General Assembly in May, 1700, according to the Representation that we laid before H.M. thereupon in May last. *Signed*, Ph. Meadows, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 909. pp. 461-463.]

Aug. 20.
Whitehall.

763. William Popple to Isaac Addington. *Acknowledges* receipt of his letters of Sep. 12, April 23 and June 2. [*C.O.* 5, 909. p. 460.]

Aug. 20.
Whitehall.

764. Council of Trade and Plantations to Lieut.-Governor Bennet. We have received your letters of May 19 and June 9, directly from Bermuda, but not the copy you say was sent by way of Barbados. We are very glad by these to understand your safe arrival in your Government, and shall expect punctual and

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frequent advices from you. Mr. Day, March 18th, informed us of some disputes, as if the Act for raising a public revenue for the support of the Government were only temporary. We find no ground, either in the Act itself, or in the papers that he sent with it, for such a supposition. We send you herewith the opinion of Mr. Attorney General, with which our own perfectly concurs, that you may govern yourself accordingly in that matter. As to your desire of directions upon the petition that had been presented to you by those three Gentlemen, who had entred into bond for Mr. Day in the business of the *Dolphin* sloop, we have heard Mr. Meers thereupon, who is the party chiefly concerned. But he refusing that the Bond, in which he has a right, should be either delivered up or cancelled, it is not in our power to direct anything to the contrary. Upon your proposal relating to the lading and unlading of ships, *etc.* elsewhere than in Castle Harbour and St. George's Harbour, according to your Instructions, we have communicated the same to the Commissioners of the Customs, and send you here inclosed a copy of their answer. We concur with them in that matter, as thinking their officer the fittest person to take care of the whole business, whose duty it is to take care of part of it. In answer to your query relating to your officiating as Ordinary, we are of opinion that the probate of wills mentioned in your Instructions, does comprehend the granting Letters of Administration and do not see any difficulty, but that you may exercise the same powers in those matters that your predecessors have done.

The readiness of the Assembly in voting that they will repair the fortifications is very commendable. We do not doubt but that you will excite them to do their utmost therein. In the meantime we do not fail to represent to His Majesty, what you have offered as necessary for the further security of the Island. Divers complaints having been laid before us of irregularities in the Courts of Chancery *etc.*, *etc.* *Repeat Instructions for holding Courts of Chancery etc. as in last paragraph of No. 472.* Signed, Ph. Meadows, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 38, 5. *pp.* 176-180.]

Aug. 20.
Whitehall.

765. Council of Trade and Plantations to Governor Nicholson. Since ours of July 22, we have received yours of June 24. It is above 3 months since we heard of the death of Col. Wormley, and several applications thereupon made to H.M. for the place of Secretary of Virginia have been referred to us, but we forebore reporting thereupon thus long in expectation of what we might have heard from you upon that occasion. It is now ten months since we gave Mr. Perry notice that H.M. had constituted Mr. Lewis Burwell to be one of his Council in Virginia. We find that the Order thereupon was duly taken out, and we expected that it should have been sent accordingly. Signed, Ph. Meadows, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 1360. *pp.* 95, 96.]

Aug. 20.

766. William Popple to Governor Nicholson. I have laid your letter of June 24 before the Council of Trade and Plantations,

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who take the directions given you Aug. 21 to be very plain. As to letters or other papers that you may have occasion to send them, the main thing to be observed is that they may be so writ, folded or ruled, that they may be afterwards bound up in books in such manner that the writing may be read without tearing. Whether the paper be large or small, and the particular way of folding or ruling, according to the nature of each particular business, they leave to yourself. However, when Mr. Perry calls here I shall direct him where he may be furnished with all sorts that may be useful to you, either for one occasion or other. Since the writing of their Lordships' letter of this date, I have understood from Mr. Perry that the Order for constituting Mr. Burwell of the Council was taken out by Sir Jeffery Jeffereys, and probably sent to himself, but I shall shortly know more particularly, and mind Sir Jeffery, that if it have miscarried, another may be sent. [C.O. 5, 1360. pp. 96, 97.]

Aug. 20.
Whitehall.

767. Council of Trade and Plantations to Governor, the Lord Grey. We have received a letter from the Council of Barbados, April 15 last, as likewise several letters from your Lordship, wh. are dated April 28, May 17 and June 5 and 25. In the last you send us the names of six persons only fit to supply vacancies in the Council; we are to put you in mind that H.M. Instructions in that point are very plain, that the list should consist of twelve, but by joyning this with the list you sent us Jan., 1699, it is at present sufficient. The answers you have sent us to the several complaints that had been made here of delays or irregularities in the course of justice shall be duly considered before we report upon that matter. But whereas divers complaints have been laid before us of irregularities in the Courts of Chancery in several of H.M. Plantations, and amongst the rest, that in some places the Governors and the Members of the respective Councils, who compose those Courts, do sitt and act therein without taking any oath to do equal and impartial justice between parties concerned in the causes that shall come before them, we have thought fit hereby to direct you (as we do other Governors) that in case there have been any neglect in this kind in the Courts of Chancery in Barbadoes, you forthwith take care to remedy the same as your Commission impowers you etc. (*See No. 472.*) Signed, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Mat. Prior. [C.O. 29, 7. pp. 378-380.]

Aug. 20.

768. Journal of House of Burgesses of Virginia. *See Minutes of Council in Assembly under date.*

Petition of Orlando Jones, praying an allowance for attendance upon the Directors and Trustees appointed for the settlement and encouragement of the City of Williamsburgh as their Clerk, according to an agreement with the Directors, rejected.

Aug. 21.

Ordered that the Collectors' Accounts etc. lie upon the table. Petition of Robert Snead granted, for leave to lay before the House proposals to undertake the building of the Capitol. The

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said proposals ordered to lie upon the table. Proposal that he should lay before the House the drafts therein mentioned negatived.

Two books of Patents ordered to be new bound. [C.O. 5, 1408. pp. 171-175.]

Aug. 21.
New York.

769. Countess of Bellomont to Mr. Secretary Vernon. I have not yet been able to recover myself from the distraction I have been under for the death of my dear Lord, which hath made me incapable of paying my regards, as I ought, to you who have been so zealous and sincere a friend, and who, I have reason to believe, will be tenderly touched at my unexpressible affliction. My loss is to me utterly irreparable, but that part of it that relates to my children may be somewhat alleviated by H.M. great goodness and compassion to the sons of an honest and faithful servant, who wore out his spirits and put an end to his life by the fatigue he hourly underwent to serve him in this far country. I know I need not endeavour to persuade you to join in representing the distressed condition of our family, who are made lower by this Government which was given as a mark of H.M. favour, or to recommend the sons of your friend to H.M. countenance, which would be to seem to doubt of what I am sufficiently assured. I shall be eas'd from the perplexity of accounts and other affairs here, by Mr. Weaver and Col. de Peyster, whose faithfulness I can depend on, and who hath taken the trouble on them, and I have expectations of finding a conveyance for England within a month by a man-of-war now attending Virginia. In the meantime my sons will pay their duty to you. *Signed*, Kat. Bellomont. *Holograph*. 1 $\frac{3}{4}$ pp. *Endorsed*, R., 15 Oct., 1701. [C.O. 5, 1044. No. 43.]

Aug. 21.
Council
Chamber,
Whitehall.

770. Order of Lords Justices in Council. Upon reading a Memorial from Brigadier Selwyn and a report from the Office of the Ordnance, relating to stores for Jamaica, ordered that six brass Minions and six Falcons, with carriages, harness, ammunition and whatsoever else the principal Officers of the Ordnance shall think necessary for such a train be forthwith provided and sent for H.M. service to Jamaica, and an estimate returned to this Board; as also that one Master Gunner and two Mates, one Master Smith and Mate, with their necessary tools, and the ingredients for fixing of bombs, carcasses and hand granados mentioned in the estimate of the Board of Ordnance be likewise provided and sent thither; and that the said ingredients, together with the six brass minions and six falcons be delivered into the custody of Mr. Bell, one of the engineers going to Jamaica, with direction that not any of the beforementioned stores be delivered out by him but pursuant to order in writing from Brigadier Selwyn or the Commander in Chief of Jamaica for the time being, and that the Master Gunner and his Mates be directed to instruct the soldiers and inhabitants in Jamaica in the Art of Gunnery as much as in them lies. And their Excellencies are further pleased to order that Brigadier Selwyn do not issue any of these Stores,

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but upon absolute necessity, unless the Assembly shall provide to reimburse the Board of Ordnance, and that he do endeavour with the Assembly that the Office of the Ordnance be reimbursed the costs of the stores now sent. The Board of Ordnance are to give the necessary directions for furnishing with all expedition and sending to Jamaica all the said stores by such shipping as shall be appointed by the Admiralty, as fast as they can be gott ready, and the Lords Commissioners of the Admiralty are to give order for the taking the said stores on board such ships as they shall from time to time appoint to carry them to that island. The Lords Commissioners of Trade and Plantations are to prepare Instructions for Brigadier Selwyn relating to the issuing the said stores as above mentioned. *Signed*, John Povey. *Endorsed*, Recd. Read Aug. 25, 1701. 1½ pp. *Enclosed*,

770. i. Estimate of the Charge of the Ingredients to be sent to Jamaica pursuant to the Lords Justices' directions signified by Mr. Yard's letter, Aug. 14. Office of Ordnance, Aug. 16, 1701. *Total* 80*l.* 8*s.* 8*d.* *Copy.* 1 p. [*C.O.* 137, 5. *Nos.* 48, 48*i.*; and 138, 10. pp. 278-281.]

Aug. 21.
New York.

771. Lieut.-Governor Nanfan to the Council of Trade and Plantations. Some time before my expedition to Albany Mr. Livingston, H.M. Secretary for the Indian Affairs, did apply himself to me for leave to go to England in order to lay his case before H.M. in Council and your Lordships, concerning his demands upon the Crown for salary and other public services, but finding I should have occasion for his assistance in the late treaties with the Indians at Albany, I therefore detained him, and look upon myself obliged in justice to certify that he hath been a very great help to me in all this negotiation, for which I am humbly of opinion that he very well deserved the salary allowed him by H.M. in his Commission, there being no person in the town and county of Albany so capable and well qualified as he is, and because his voyage to England cannot be performed without great expense of time, lest his Majesty's service in the Indian affairs might suffer in his absence, I do therefore at his request presume to beg you will be pleased to lay his case before H.M., so that his pleasure may be signified to this Government upon the report which Lord Bellomont made and sent home in his favour in obedience to H.M. Instruction Aug. 31, 1697, for want of which the Collector and Receiver General of this Province is by a Minute of Council here commanded not to make payment of any such warrants as are granted him for that salary, until H.M. pleasure be known. By reason of the delay of which he has been, and still is, wholly deprived of any part of that salary allowed him by H.M. Commission. *Signed*, John Nanfan. *Endorsed*, Recd. Dec. 16, 1701, Read Jan. 8, 170½. 2 pp. [*C.O.* 5, 1044. *No.* 45; and 5, 1119. pp. 56-58.]

Aug. 22.
New York.

772. Robt. Livingston to the Council of Trade and Plantations. Refers to letter of June 21. The success my negotiation

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with the Indians (*mentioned therein*) (I hope) will be found of so great moment, that I am glad to have been anyways instrumental therein. *Refers to the letter of the Lieut.-Governor preceding.* I am likewise kept from receiving the interest ordered by H.M., and from the money due for ye victualling. I humbly beg your Lordships will be pleased to hear the complaints my Agent will lay before your Lordships and to represent my case to H.M. *etc. Signed, Robt. Livingston. Endorsed, Recd. 16 Dec., 1701, Read 8 Jan., 1701½. 2 pp. Enclosed,*

772. i. Copy of the Earl of Bellomont's report upon Mr. Livingston's case. New York, June 28, 1698. 2 pp.

772. ii. Peter Schuyler, Robt. Livingston and Gertruyd, relict and executrix of Cornelius Stephanus van Courtland, to the Council of Trade and Plantations. By the contracts made with petitioners by Col. Fletcher and Lord Bellomont, there appear on the foot of each of their accounts to be due to Peter Schuyler for subsisting H.M. soldiers upon the frontiers for two years from Nov., 1696, at Albany, 1,449*l.* 5*s.* 8½*d.*; to Robt. Livingston per certificate under the late Earl's hand, Nov. 9, 1700, for victualling the company of Fuzileers at Albany, 1,196*l.* 4*s.* 3*d.*, and to Gertruyd van Courtland for victualling the garrison in Fort William Henry, Nov. 1697–Oct. 1700, 1,196*l.* 18*s.* 2½*d.* And forasmuch as great indeavours are, according to information given to your petitioners, made use of towards obtaining the King's money intended for the discharge of your petitioners, to be put in the possession of the Countess of Bellomont, or her Agent, to the hazarding of your petitioners' just claim; they pray you to vouchsafe them a stop to all future payments of the same to the aforesaid Countess or Agents, till such time as your Petitioners may be heard to their said contracts and charge, if anything to be objected thereto, and in the meantime that the said Countess and her Agents may account to your Lordships for all receipts relating to the premises already made by either or any of them. *No signature or date. Endorsed, Recd. Dec. 16, 1701, Read Jan 8., 1701½. 1 p. [C.O. 5, 1044. Nos. 46, 46.i., ii.; and (letter and enclosure ii. only) 5, 1119. pp. 58–62.]*

Aug. 21.
Whitehall.

773. Journal of Council of Trade and Plantations. Letter from the Council of the Massachusetts Bay, July 10, read. Copy sent to Mr. Secretary Vernon.

Their Lordships returned to consider the papers relating to the Jerseys sent by Mr. Yard, Aug. 18, together with other proposals offered formerly by the Proprietors for surrendering their claim to the Government of those Provinces.

Brigadier Selwyn taking leave of the Board for Jamaica, the letter signed by their Lordships relating to colours to be born by ships commissioned by Governors, was delivered to him.

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Aug. 22. Further progress made in considering the affairs of the Jerseys.
[*Board of Trade. Journal*, 14. pp. 141, 142.]

Aug. 21. **774.** Journal of the House of Representatives of New York. None of the Members that left the House yesterday attended.

Ryer Schermerhoorn, having taken the oaths etc., took his place as a Member.

Upon investigation, it was decided that William Nicoll (*see* Aug. 19, 20) was not qualified to be a Member for County Suffolk. Ordered that the Speaker issue out his warrant for a new writ for the electing of a Member in his room.

Ordered that His Honour's Speech and the Votes of this House be forthwith printed.

The Governor's Speech was read. The House went into Committee to consider that part relating to the Additional Duty expired in May last. (*Printed.*) [*C.O.* 5, 1184. pp. 998, 999.]

Aug. 22.
Sept. 2.
Loo.

775. Mr. Blathwayt to Mr. Popple. I have been too backward in acknowledging the receipt of the letters you have favoured me with, May 1, 8, and 15, Aug., with an abstract of the Minutes of our Board, which I have communicated to my Lord Lexington, and may thereupon return you our private opinions, which may not deserve any further consequence. As to the alteration of the value of ye current coins in Carolina, it is so ruinous to trade, and contrary to H.M. pleasure everywhere exprest in ye Plantations, that if it cannot be redrest before next Sessions, it will be fit to be represented there as a very great grievance. We find the Board was inclined to put the name of Col. Romer into the list of ye Council for N. York, but how far that may consist with ye Act of Parliament if he be not naturalized, is fit to be considered. The papers received from Capt. Bennet are very particular, and show him to be a carefull officer, and therefore nothing should be wanting on our part to make him easy and his Government safe, so that we don't doubt but the account he has sent of stores, ammunition *etc.* in ye Bermuda Islands, and *what is wanting there*, will by our Board be laid before their Excellencies the Lords Justices, in order to a suitable provision. I send you a letter from him relating to the continuance of the pay of ye Foot Company there, which is very necessary to be taken care of. The matter may be explained to their Lordships by Mr. Nodin, and the assistance of Mr. Clark may be desir'd. Col. Bennet desires likewise to know whether the ship provisions shall be allowed to the noncommission officers and private soldiers in their passage, he having stopt the money for it, which seems very hard and a discouragement to soldiers going to ye Plantations, tho' the Governor cannot be blamed for desiring orders in the matter, which may be best had by a communication to the Lords of the Treasury, who may at the same time order the farther subsistance to this Company. Brigadier Selwin writes he has made a shift to get his dispatches, and he is by this time, I suppose, under sail, with Capt. Whetstone's little squadron. *Signed*, Wm. Blathwayt. *Endorsed*, Reed.

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Aug. 28, Read Sept. 2, 1701. 3 pp. *Postscript on separate sheet.* I had almost forgott to send you ye enclosed papers from New York, which may be worthy of the consideration of ye Board, and particularly the paper wch. states ye pay of ye four companies at New York of the total whereof, amounting to 3,534*l.* 2*s.* 4*d.*, the Lords of the Treasury, I think, have only given order for the sum of 675*l.*, and not for ye two others for want of the muster-rolls, which cannot be very pleasing to my Lord Cornbury, who will have the weight of that arrear upon him. *Mem.* The paper above-mentioned was not sent in this letter. [*C.O.* 5, 1046. *No.* 34.]

Aug. 22.
Skinner's
Hall.

776. Wm. Thornburgh to Wm. Popple. I know I'm under an inevitable Fate of having your censure for not answering your last. I immediately transmitted it to my Lord of Bathe, in whose custody are all the Charters, Books and writings etc., relating to Carolina and the Bahamas, and from whom consequently I must be enabled to answer your letter, and was so promised by his Lordship's Chaplain, who carried my letter to Epsom, where my Lord lyes indisposed, and I have received no answer as yet. *Signed,* Wm. Thornburgh. *Addressed.* *Endorsed,* Reed. Read Aug. 25, 1701. $\frac{3}{4}$ p. [*C.O.* 5, 1261. *No.* 17.]

Aug. 22.

777. Minutes of Council of New York. The Governor produced a letter sent express to him from the gentlemen at Albany appointed for managing the Indian Affairs, dated Aug. 19, with a Message from the Sachims of Onnondage, informing that the Governor of Canada hath sent to Onnondage 7 prisoners, who are now on the way, and desiring that two wise, understanding men, who write well, may be sent thither; that the Managers of the Indian Affairs have sent back the Indians who brought the Message with answer that they would send an express to the Governor with their Message, and that in the meantime, if the French should arrive at Onnondage, that the Sachims should not call any meeting or hearken to any proposals of the French until they should receive an answer from the Governor. This Board are of opinion that Capt. John Bleeker and David Schuyler do immediately repair to Onnondage, in order to hinder the French from deluding our Five Nations of Indians, and that they keep a Journal of there proceedings there.

The Governor produced the Journal kept by them during their last journey to, and residence at, Onnondage, which was read, as also the propositions made by the Governor at Albany in July last to the Five Nations and the River Indians, together with their answers, which were read.

Petition of Adolph Phillips and Stephen Delancy read, setting forth that they had replevy'd a sloop within this Port by a writ out of the Supreme Court of Judicature, which during the last war with France was fitted out by them from hence, and taken by the subjects of the French King during the said war, but never tried or condemned, and the vessel being now fully loaden and

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ready to sail, it would prove a great loss to the persons concerned in the cargo of the sloop, if she be not tried until the Supreme Court in Oct. next, and prayed that the Chief Justice be ordered to try the matter on Saturday next, at which time a Special Court is to sit. Ordered that Col. Gabriell Minviele, the person concerned for the said sloop, be served with a copy and give his answer to-morrow. [*C.O.* 5, 1184. *pp.* 575-577.]

Aug. 22. **778.** Minutes of Council in Assembly of New York. Ryer Schermerhoorn took the oaths appointed and subscribed the Test and Association. [*C.O.* 5, 1184. *p.* 867.]

Aug. 22. **779.** Minutes of Council of the Massachusetts Bay. A letter received yesterday from Mr. Broullan, Governor of Accadie, directed to the Earl of Bellomont, or, in his absence, to him that hath the command here, and sent by an officer of the garrison at Port Royal, was read at the Board, wherein he informs of his arrival in Accadie, and that the King his Master had honoured him with the command of that country, and proposes to entertain a neighbourly correspondence with this Government. Ordered that an answer be drawn up, which was done and agreed to.

Warrants were signed for the following payments past by the Assembly in August:—To the Hon. Wait Winthrop, Elisha Cooke and Samuel Sewall, Judges of the Superior Court of Judicature 45*l.*, and to the Hon. John Walley, one of the Judges of the said Court 22*l.* 10*s.*; for salary for the year and half year respectively; and to the Hon. Wait Winthrop, Elisha Cooke and Penn Townsend 10*l.* each, for their service in travelling to New York to congratulate the arrival of his Excellency, the Earl of Bellomont.

Whereas the General Assembly, Feb. last, ordered that the dwelling-house in Cambridge built for a President's house be forthwith repaired and fitted up for that use, a warrant was signed for paying 70*l.* to the Committee appointed to see thereto for the charges thereof.

Warrant signed for payment of 312*l.* 8*s.* 10*d.* to Capt. John Fayerweather, late Commander of H.M. Castle upon Castle Island, and the officers and soldiers under him, on account of wages Nov. 26, 1700–July 18, 1701.

Warrant signed for paying unto John Phillips, one of the Commissioners employed in a late negotiation with the Eastern Indians, 3*l.* for a coat, which, in his negotiation, he supplied to one of them.

Aug. 23. Proclamation for a General Fast to be observed throughout this Province, Thursday, Sept. 18 next, was drawn up and signed. [*C.O.* 5, 788. *pp.* 81-83.]

Aug. 22. **780.** Minutes of Council in Assembly of Virginia. Report of Committee appointed to consider of ye ways and means to strengthen ye frontiers by sea and land was read, and ordered to lie on ye table.

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Report of Committee appointed to inspect the report of the Committee to examine titles to land in Pomunkey Neck etc., read the first time.

Ordinance of Assembly, prohibiting the Ordinary Keepers to entertain the workmen employed for building ye Capitol, read the first time.

- Aug. 23. Report upon the claims to Pomunkey Neck etc. read a second time. The Hon Edmd. Jennings entered a caveat and prayed that no patent might issue to Benjamin Arnold for 2,100 acres reported by the Committee, until he was fully heard in ye matter, suggesting that some of the same was within his grant; also that no patent might issue to John Hunt for 546 acres.

Conference with the House of Burgesses to settle all Indian matters, appointed.

Ordinance of Assembly with regard to the workmen of the Capitol read a second time and amended. [C.O. 5, 1409. pp. 350, 473-475.]

- Aug. 22. **781.** Journal of House of Burgesses of Virginia. Petition of Orlando Jones referred to the Committee of Claims.

Report of the proceedings of the Committee for strengthening the frontiers ordered to lie on the table.

- Aug. 23. Report of the Committee to consider propositions relating to the Capitol ordered to lie upon the table.

The House was called over, and the Messenger ordered to goe about Towne and summons Mr. Bray, Mr. Sullivan and Mr. Thorowgood to give their immediate attendance.

Joint Committee appointed to consider the report upon the lands of Pomunkey Neck etc.

Ordered that Mr. Bray be sent for in custody of the Messenger to answer his default in not attending the service of the House.

Mr. Daniel Sullevant's absence excused.

The House further considered a suitable method to represent to H.M. the case between this Government and New York. Resolved that an Agent be employed to represent it. Choice deferred.

The House accepted Mr. Bray's excuse for his absence.

Mr. Bland was granted leave of absence.

Report upon lands in Pamunkey Neck etc. ordered to lie upon the table.

And see preceding abstract under date. [C.O. 5, 1408. pp. 175-182.]

- Aug. 23. **782.** Tho. Hodges to the Council of Trade and Plantations. I return herewith the answer of the Governor and Council of Barbados to my complaints. I acknowledge their Lordships' great favour in letting me have it; but I find several certificates and other papers referred to in it, without the sight of which, it is impossible for me to make any pertinent reply. I send you a list of them and desire that you will doe me the favour to procure their Lordships' leave that I may have them. *Signed,* Tho. Hodges. *List subscribed. Endorsed,* Reed. Read Aug. 25th, 1701. *Addressed.* 1 p. [C.O. 28, 6. No 12.]

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Aug. 23.

783. Journal of House of Representatives of New York. The Members who left the House (Aug. 20) were still wanting. Ordered, that that matter be taken into consideration Munday next.

Warrant issued for a writ to elect a Member in lieu of Mr. William Nicoll.

The House considered the Additional Duty in Committee.

Petition of Henry Fowler, complaining of an undue election for the County of Westchester, being read, was committed to be examined. (*Printed.*) [*C.O.* 5, 1184. p. 999.]

Aug. 25.

Antegoa.

784. Governor Codrington to the Council of Trade and Plantations. My very good Lords, Yesterday by way of Nevis I received your letter of May 23, two days after I had dispatcht a packet to your Lordships from hence. A ship is just now sayling, so I must answer very much in haste. If the declaration of my intentions pleased your Lordships, my conduct since, I am perswaded, will not be disapproved, for I have pursued all my resolutions with steadyness and sincerity, and I no more pretend than I expect that your Lordships should take my word for what I assert. You are pleased to say you are not without hopes of a better regulation in time as to the dependance of Governors upon Assemblys. As to myself I will serve the King and Publick as well as I can, and be as little guilty of any mean arts and compliances below the dignity of my imploy (tho' my salary is not the fourth part of my expence) as if it were ten times as much. But I must take the liberty to say in respect of Governours who come abroad to make their fortunes, as I did to understand and establish mine, that Acts of Trade, Instructions and all your Lordships' wise and good Orders to them are *verba et præterite* [sic] *nihil*. I think what I say is self-evident, but I could give such flaming instances, as would flash light and conviction into the Ministers. Pardon me, my Lords, this escape, and I will never agen trouble your Lordships or myself on this subject. I will write a separate and perticular letter of our judicature of all kinds.

Your Lordships are pleased to say you do not understand what I mean by saying I came too late to make a demand on the Governor of St. Thomas's; I deserve this reprimand for not having referred to the Order which was to demand one Bolton and Burke wth. the piratical goods they had bin entrusted wth. Bolton was before my arrival sent home, and Burk I found to have been before, as he still is, an inhabitant of the French part of St. Christophers, without my jurisdiction. I had it also in my Instructions to send to the Governor of St. Thomas's a caution both concerning St. Thomas's itselfe, and Turtola, weh. I did not faile to do by our Governor of Spanishtown. The Daneish Governor answered that as to St. Thomas's, the King, his Master, he supposed would give an account of his own title, and as to Tortola, it was a desert island. and free for anybody, he thought, to turtle at. If you would have me do anything more effectual in this matter, I bog precise and punctual directions, and I shall not faile to execute them.

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I am glad you approve my proceedings against Capt. Norton. I assure you I proceeded not only with Justice but candour; he was never imprisoned, but for formality sake delivered the Marshall, but hath constantly had the priviledge of rideing about. There has bin no prosecution for the thousand pounds, because I did believe it would not be insisted on, and indeed I found him so brutally ignorant not only in his own business as Governor, but in all the common duty of humanity that I scarce think him an accountable creature. I designe to engadge Col. Elrington to go down to St. Xphers, where he will be more useful to the publick as well as assistant to me then at Nevis. He has an interest in that Island and knows all the passes of it very well, and as he is a man of courage and vigour, I find him also to act wth. great vigilance and honour in his imploy, and I believe will be found to deserve a much better then he has at present. I send your Lordships Col. Hodges' letter, which may serve to confirm what I lately wrote to your Lordships about the Irish at Montseratt. No care and vigilance on my part shall be wanting to prevent ill consequences. We have very unfortunately just a this time lost Mr. Parson, one of the Councill there, a man of as good understanding as any in those Colonys, and only unfortunate in being burthened wth. so great a family and too many impleys, for he was Secretary, Collector and Agent to the Royal African Company, besides a great trader on his own stock. I have given a Commission to a couz. German of mine, Mr. William Codrington, until H.M. pleasure is known, to be Secretary of these Islands. He is a young gentleman of great virtue and hopes, has a very good and clear estate in Barbadoes, and the foundation of one in this Government; I wou'd willingly lead him into business and make him fitt for ye Publick service. I give your Lordships my word that office shall be better managed then it has been, and I most humbly beg the favour of your Lordships' representation that my nomination may be confirmed and a patent sent from Home. I shall never faile to acknowledge your Lordships' goodness to me on this occasion.

I have sent your Lordships as perticular acct. as I cann of what is wanting in these Islands. Nevis, I think, can defend itself, and Montserat might, but that there's more danger from within than from without. In Antigua we have more ground to defend than in Barbadoes and not above a thousand fighting men, so that wee stand in need of very great assistance of men and small arms, and as to St. Christophers the Fate of that Island will be decided the first moment of the warr, the Commander that has the first news will certainly attack his enemy, and the English and French (since the accession of their people from St. Martin's and St. Bartholneys) are pretty near of a strength. If Mr. Grey had thought fit to have lent me the Barbados frigate, I think I cou'd pretend to secure that point. *Signed*, Chr. Codrington.

Endorsed, Recd. 10th. Read Nov. 13, 1701. 2½ pp. *Enclosed*, 784. i. Abstract of preceding. 1½ pp.

784. ii. Col. Hodges to Governor Codrington. Montseratt, May 28, 1701. Upon the first apprehention of warr,

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I was not without thoughts, in case a rupture should happen, your Excellencie would have occasion to draw of men from all the rest of the Islands, in order to make an attaque on the French part of St. Xtophers, and therefore was not wanting to observe to the inhabitants of this Island the reasonableness of such an enterprize in order to the securing our intrist and making us easie at home, and this I then found to concur with the sence of the generality, but since the letter lately wrote your Excellencie from the Councell, I have made it my chiefe business to meet the seaverall Companys of this Island in their respective exercising places in hopes (at least) to comply with our promise of supplying two companies of men, but soe contrary hath it hapned to my expectation that am much concerned should have occasion to acquaint your Excellencie that not three men could be prevailed with to inlist themselves for the servis. Whence soe generall a defection should arrise am not able to learn. *Signed, Anthy. Hodges. Addressed. Sealed. ¼ p. [C.O. 152, 4. Nos. 47, 47.i.-ii. ; and (without enclosures) 153, 7. pp. 261-268.]*

Aug. 25.
Boston.

785. Mr. Addington to Mr. Popple. I esteem it my duty and necessary for H.M. service that the Rt. Hon. the Lords Commissioners of the Council of Trade and Plantations be made acquainted with the arrival of Mr. Brouillan in Accadie, whereof he is appointed Governor by his Master, the French King, and also that his letter lately sent to the Government here, and their answer made thereto, be laid before their Lordships. His residence is at Port Royal, which place he is fortifying with all vigor, having demolish't the Fort in St. John's River, and removed the garrison and ordnance to Port Royal. It's credibly reported, and also acknowledged by the officer, who brought his letter, that there come four companys of soldiers with the Governor, and two more were to follow, which are supposed to be arrived in a ship which was standing in for that place, just upon the officer's coming away. The ship, which brought the Governor, was mounted with 50 guns or upwards, and remained there, the other going in, he supposes to be a forty gun ship, and several other ships of force were expected ; so that we are like to have a dangerous neighbour in case of war, and that place will be made very strong. Our fortifications on Castle Island are carrying on under the direction of Col. Romer, with all manner of application, which when finished can serve only for the defence of the Port of Boston, there being many other avenues that lie open for an enemy to make impressions upon us. Their Lordships will be sensible that besides the stores necessary to be supplied for the furnishing of our Fortifications, there will be further needed a Naval Force for guarding of the Coast. The Province is in present quiet, but we are in daily expectation to hear of the balance of affairs in Europe turning for war, and concerned for the dangers we may thereby be exposed to,

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Signed, Isc. Addington. *Endorsed*, Recd. Oct. 27, 1701. 2 pp.
Annexed,

785. i. Abstract of preceding. $\frac{1}{2}$ p.

785. ii. Copy of letter from the French Governor of Nova Scotia to the Government of the Massachusetts Bay. Port Royal, Aug. 8, 1701. *Announces his arrival*. Having left the affairs of Europe in a doubtful situation as to war or peace, I thought it my duty, my Lord, to represent to you as far as I can, and the King, my master, has left it to my disposal, that it seems to me of consequence for the public safety of your Inhabitants, as well as ours, to find out a way to avoid the havock and cruelties of the Indians, who breath nothing but blood and sorts of inhumane and odious torments, to us as well as our enemies, which cannot be hindred but by a particular treaty from you to us, during all the courses and acts of hostility on our coasts, in not espousing the differences which our Sovereign Princes may issue in Europe by force of arms. I do not propose these sorts of agreements but as far as the consent of the King of England may resolve you, and if you be determined, in case of war, to a suspension of arms on your side as well as ours, till you have informed and received orders from H.M., we do assure you that on our side shall be held till then a firm and sincere peace, expecting a declaration made faithfully on the resolutions which you shall take, of which we pray you to give us advice with the same fidelity which we promise on our part. If hereafter the proposal, which I make you singly for the good of yours and our people, do not suit the interests of both Crowns, we will make to you, as we expect you will to us, a public declaration, before we enterprize anything which may break our Treaty of Union and good correspondence. My Lord, This is what I dare promise to have ratified by the King, my master, if yours will do the same. I pray you would let me know it with speed, that so I may know what to do. I cannot omit advising you that I have orders to hinder, conformable to the Treaty of Ryswick, all English vessels from coming to fish in sight of the lands of this Province. I pray you would let it be known in your Ports. Assuring you nevertheless, my Lord, that in all things that shall not hinder the interest of the King, my master, you shall never have a neighbour more desirous than I shall be to contribute to everything that may be for the good of our Colonies, etc. *Signed*, Brouillan. *Endorsed as preceding*. $2\frac{1}{2}$ pp.

785. iii. Copy of a letter from the Council of the Massachusetts Bay to the French Governor of Nova Scotia. Boston, Aug. 22, 1701. *Acknowledges letter*. We approve your generosity in proposing to find out a way to restrain the rapines, inhumane and barbarous crueltys, practised

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by the bloody savages in time of war towards the people of your Nation and ours, and shall be ready to agree with you in concerting of such methods as may be effectual to that end. We also take notice of your other proposal for a suspension of arms within these territories, if it happen that war be declared betwixt the two Crowns, until we shall have represented the same unto our King, and have received his Orders on that subject, which you assure us till then shall be held firm on your side, if so we agree, and to have the same ratified by the King, your master. Concerning which, being by late intelligences from England given to understand the Peace do's continue, and no Declaration is made of war, and being in daily expectation of the arrival of a General, to be sent us by our King, and know not what Instructions he may bring, we cannot at present take any resolutions in that affair. But whilst on your side all acts of hostility shall be forborn, we shall not be forward to be the aggressors, or to enterprize anything to interrupt our mutual quiet and repose.

As to the orders you intimate in yours to have received to hinder, conformable to the Treaty of Ryswick, all English vessels from coming to fish in sight of the Lands of Accadie, we must observe to you that such orders are so far from being conform[abl]e to the Treaty of Ryswick, as that they are directly contrary to the Vth Article, it having been the accustomed indubitable right and priviledge of the English to fish in the high seas on that coast for time out of mind. We trust and expect that you will not suffer any obstruction to be given to our fishing vessels in that their lawful imploy, whereof we shall have a just resentment, and esteem it not only a breach on your part of that good neighbourhood which you profess to maintain, but also to be contrary to Justice; whereas we shall on our side contribute all that is necessary, not derogatory to the honour and interests of the King, our master, to preserve intire a good understanding. *Signed, Is. Addington, Secretary. Endorsed, Recd. Oct. 27, 1701. 2 pp. [C.O. 5, 862. Nos. 75, 75.i-iii.; and (without abstract) 5, 909. pp. 472-481.]*

Aug. 25.
Whitehall.

786. Journal of Council of Trade and Plantations. Ordered that Sir Thomas Lane and any other of the Proprietors of the Jerseys have notice to attend the Board on Wednesday next.

Letter from Mr. Thornburgh, Aug. 22, read.

Order of Council, Aug. 21, read.

Letter from Mr. Hodges read. Leave given that he may take a copy of Mr. Chilton's letter and have the inspection of other papers for such notes as he shall find to relate to his own concern.

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Ordered that an Instruction be prepared for Brigadier Selwyn, in pursuance of the Order of Council, Aug. 21.

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Report from Mr. Attorney General upon the Acts of Nevis, Feb. and March, 1701, together with the Acts themselves, read. Representation ordered thereupon.

Mr. Bridges, Mr. Eyles and Mr. Heysham presenting to the Board two Addresses from the Grand Inquest of Barbados, the one to H.M., and the other to the Lord Grey, tending to justify the said Lord's proceedings since his being in that Government, they were told the said Addresses should be laid before H.M. or the Lords Justices. And they farther praying the Board to report upon the Acts for a present to the said Lord Grey, they were told it should be done as soon as conveniently it could be.

Aug. 27. Letter to the Board of Ordnance signed.

Sir Tho. Lane, with Col. Morris and two other gentlemen concerned in the Jerzies, attended the Board as they had been desired, and after having discoursed with their Lordships upon the several heads proposed by their late Memorial relating to the surrender of the Government of those Colonies, promised to consider further of those matters, and wait upon the Board on Tuesday next. [*Board of Trade. Journal, 14. pp. 143-147.*]

Aug. 25. **787.** Journal of House of Representatives of New York. Committee appointed to examine the accounts of the Additional Duty. The Committee reported that it amounted for the whole year to 776*l.* 0*s.* 5*d.*

Aug. 26. It was decided that Joseph Purdy was not duly elected a Member for Westchester, but that Henry Fowler was, and the return was accordingly amended. Henry Fowler took the oaths appointed.

The Roll of the House being called over, and none of the Members that absented themselves (Aug. 20) appearing, it was ordered that they, obstinately refusing to serve their Counties, without assigning any plausible reason, be expelled the House. Warrants signed for new writs to issue for Suffolk, Queen's County, Baywick of Ranslaer's-Wick, City and County of Albany and Westchester, in their room.

Ordered that the Commissioners of Accounts lay before this House an account of their proceedings Thursday next.

The Committee reported that it's their opinion that such an Additional Duty be granted to H.M. as this House shall think fit, and for such time and such uses as the House shall direct. Which was read and approved of.

Aug. 27. Message from the Council, Aug. 26, read and referred.

Ordered that the Representatives of the County of Ulster have leave to bring in a Bill for destroying of wolves in that County. Committee appointed to examine the Act of Assembly entitled, An Act for defraying of the publick and necessary charge throughout this Province, and maintaining the poor, and preventing vagabonds, and to report the amendments that they think ought to be made and added thereto. [*C.O. 5, 1184. pp. 999-1001.*]

Aug. 25. **788.** Journal of House of Burgesses of Virginia. Grievance from Henrico and New Kent Counties for another bridge over

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Chickahominy Swamp, and amending the law for levying the charge of bridges, rejected.

Grievances from the north and south side of James River in Charles City County referred.

Grievances from Surrey and Henrico Counties praying that probates of wills and commissions for administrations be signed in the Counties where they were granted, and from Surrey and Nansemond Counties, that Grand Juries be summoned twice a year to make presentments and immediately discharged, not proceeded with, as being dealt with by the Committee for Revisal of the Laws, to whom also the consideration of the Grievance from Surrey County was referred, that a suitable clause may be added to the Law for transportation of negroes set free, whereby they may be hindered from returning; also the proposition from Elizabeth City County for liberty to keep more Ordinaries.

Proposition from Elizabeth City County, for regulating all the counties and parishes in Virginia, rejected.

Grievance from Northumberland County concerning horse-races and other public meetings on Saturdays, by means whereof many impieties are perpetrated and the Sabbath profaned, rejected, the Laws already sufficiently providing for the punishment of such offenders.

Resolved, upon a Grievance from Henrico County, that the report of the late Attorney General, that the buildings and improvements made upon land, which escheat to H.M., should be valued by the Jury finding the escheat, and that the grantee should pay so much per cent. composition for the same as shall be thought reasonable, is an erroneous report and contrary to Law, and that putting the said Report in execution is an infringement of H.M. Royal Charter, and a great injury to the inhabitants.

Grievance from Henrico, Middlesex, Northampton and Accomack Counties praying that the ministers may not be allowed 40*b.* of tobacco per pole for their annual maintenance, referred.

Grievance from Accomack County, praying that Ministers may be fined wch. shall presume to marry white people and black together, resolved to be reasonable. Ordered that an Instruction be given to the Committee for the Revisal of the Laws to make suitable provision against Ministers doing so.

Grievance from Middlesex, praying that negroes be not kept at quarters without overseers, rejected, as already sufficiently provided for by the Laws.

Grievance from Northampton County about unruly horses referred to the Committee for the Revisal of the Laws.

Grievance from Isle Wight County, complaining that fines are levied on the people and not appropriated to the use of the County, rejected.

Grievance from Henrico County concerning rights to take up land not proceeded with, as being under consideration of the Committee for revisal of the Laws.

Petition of John Kingston, Ferryman, at Capahosock in York River, for liberty of a convenient landing place on the south side of the River, referred to the same Committee.

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Petition of Richard Hutchins, Ferryman at Bowler's Ferry in Rappahanock River, complaining that Henry Nixon designs to keep a ferry just by him, referred to the same Committee.

Amendments, proposed by the Council to the Ordinance prohibiting Ordinary Keepers to entertain the workmen employed in building the Capitol, agreed to. Ordinance sent up amended.

Report of Committee upon petition of Edmund Jennings etc. ordered to lie upon the table.

Mr. Barber given leave of absence until his health permit him to attend.

Aug. 26. William Byrd, jr., and Col. Philip Ludwell, being nominated for Agent in England, the former was chosen.

H.E. Speech further considered.

And see Minutes of Council under date.

Aug. 27. Upon consideration of H.E.'s Speech, ordered that a Bill be prepared for strengthening the frontiers by sea and land, and for discovering the approaches of an enemy.

Resolved that the Bill concerning the Militia prepared by the Committee appointed for revival of the Laws be considered this sessions. [C.O. 5, 1408. pp. 182-198.]

[Aug. 26.] **789.** Address of the Grand Inquest of Barbados to the King. Assuring H.M. of their loyalty and praising Governor Grey, "by whose conduct we are become a more happy people than before we have been, and who hath always ruled with so much reason and justice, that he must be a very troublesome person (as well as unjust) that can find fault with him." *Signed*, John Sutton, John Merring, Joseph Browne, Peter Mascoll, Sam. Hasell, Nicho. Maynard, John Rushworth, John Green, Richd. Wiltshire, Wm. Martindale, John Walcott, John Redwar, George James, Tho. Wfleck (*sic*), Joseph Hannis. *Endorsed*, Recd. Read Aug. 26, 1701. *Copy.* 2 $\frac{3}{4}$ pp. [C.O. 28, 6. No. 13.]

[Aug. 26.] **790.** Similar Address. Thanking the Governor for his appointment of Thomas Sadler to be Chief Judge. *Same signatures and endorsement.* 2 pp. [C.O. 28, 6. No. 14.]

Aug. 26. **791.** William Penn to the Council of Trade and Plantations. Honourable Friends. Having received none from you since my last of the 6th of Mar. I send this according to promise to accompany such of our Laws as being past or reviewed by our last Assembly are thought fitt to be presented for the King's approbation, and naturally first offer them to your Board, from whence I request you to favour them with what dispatch your other affairs will suffer you to allow them. There are some others that yet want a second hand, which when past upon them, shall wait on you with all expedition. And now I know not how to avoid observing to you that by a ship last week arrived here from London, I have received the extracts of two reports made from your Board, the one to the House of Commons, the other to the Lords, relating to our Proprietary Governments in which, if the extractors have done you justice, you must excuse me if I complain

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of the want of it to me. Some faults doubtless must have been committed in an Infant Colony in the space of eighteen years, but this is my comfort, the greatest of them are owing to the administration of a King's Government when mine was superseded, yet even those were but moats in comparison to the beams in some others that you seem to prefer, as I could largely prove, and have been expiated, I hope (as you are pleased to acknowledge) upon my arrival. The Representation of what particulars have been since and follows in your Report to the Lords seems wholly unaccountable. As to the Commission of Water-Bailiff to the Sheriff of Philaia., who never served three warrants by it, and that to him of Newcastle (which is all I granted), who never served one that I know of, I shall say little here, having wrote largely to the Lords of the Admiralty on that head, a copy of my letter to whom I send inclosed and request your notice of it. Only this, Had that active Officer of the King's been in his post, or in the Province at any time for seven months together, those Commissions had never been granted, and upon his remonstrance, at his return, they were forthwith vacated. And have I by this made infractions on the Admiralty or anything else? No, on the contrary, I have been so supine and easy to that Court in all respects, that I have been highly upbraided by ingenious lawyers of our neighbouring Colonies for exposing property for a prey to those who, thinking themselves secure under the awful language of serving the King's interest, have stopt at no piece of rigour that would turn a penny their own way, of which instances may be given that would be tolerated, I must believe, by no King's Governor in America.

The next charge is a secret Trade between this place and Curacao. Through my care that nothing should pass unobserved, I mentioned this to you in my last, and express'd a concern at it, being jealous that what had been once done, might again. But since it is made a general crime and imputation in the public, I shall give an account of all I could, on the strictest inquiry, ever hear of on that head. Since my arrival, there have but two vessels come in here from that Island, of which the Collectors' and Naval Officers' Lists can be sufficient evidence, the first a sloop of 20 tuns in Oct. last, when I was with our Assembly at Newcastle, 40 miles from Philadia. She brought (as I heard two months after, and wch. was the ground of my complaint to you) 4 hhd. of claret, one tun and a half of iron, some pieces of linnen, besides cacao nuts, which we have always reckoned are allowed. Of this Col. Quarry was forthwith informed by a friend of his, who saw them landed at midnight out of a shallop, that had taken the said goods on board at our Capes from the sloop that brought them, but thought fit to take no other notice of it, till above 6 weeks after when the goods were all secured and disposed of, than to dress up his information to you, on which your Report I suppose is grounded. In other cases the Officers of that Court are not wanting, where the least dawn of interest appears, but here the profit was like to be small, and there was a higher end to be served, viz., by blacking of us to lay a foundation for greater

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advantages to themselves, as appears by Col. Quarry being now made Surveyor of this River on both sides, with power to put and turn out all officers concerned in the Customs, himself being all the while one of the greatest Traders in these parts, two things that in all other places have been hitherto judged inconsistent, and that must needs redound highly to the prejudice of his fellow Traders, as well as the King's insecurity in his Customs. But no sooner was the account of the above said traffick brought me than we used all possible application to discover the goods, but in vain ; it was near two months after the Bird was flown, and their own immediate Officer, the Marshall of the Admiralty, had no small hand in their disposal. The vessel, however, was seized and condemned, after she had been sold to persons wholly innocent, and the guilty escaped clear. The other vessel of Curacao has been guilty of nothing of that kind, that we can hear of, having brought her returns in money, yet was condemned for being indirectly owned in part by a foreigner. The last vessel from thence before my arrival, was seized and condemned also. What is said of the Pirates at the Capes, I should think bears rather a merit than any crime in me ; they had been settled there (as others of that old crew have in the neighbouring Colonies) for several years under the Admiralty Officers, and upon my arrival I proceeded against them with the utmost rigour. Upon all which give me leave to say, that when I see my diligence in those very things that might have slept, had I been negligent in the King's affairs, to be turned against me, and made a crime in my Government, I cannot but think it cruel to the last degree. That one fault committed chiefly by strangers, in which no officer concerned in the Government, save the Marshal of the Admiralty, had a hand, should be made a general imputation and crime in the Publick is rigorous beyond example. That my bleeding expences for 20 years past in raising a flourishing Colony profitable to England by the consumption of her commodities, as well as other wayes, and that only by my private interest, in which my whole estate, that I could have lived much more comfortably on at home, is irrecoverably plunged, should be rewarded with the infamous brands of illegal practices in the highest, and when I might reasonably expect to be reimbursed, must be cutt out of the means, seems to carry an injustice with it, that in smaller matters would be otherwise treated. That persons gaping for preferment under the specious pretence of serving the King's interest, while all the King's Thirds in seizures and condemnations appropriated to themselves are not thought sufficient to atone for the want of a settled salary, should be countenanced and encouraged, and all their Representations without further inquiry credited and made a bottom for the ruin of the rather meritorious than culpable, while my endeavours equal in sincerity and application, I dare be bold to say, to those of any of the King's more immediate Governors, and this without one farthing allowed by the Crown, are made my guilt and crime, looks as if all the old known rules of Justice were to be read backward. Excuse me, pray, if I thus express the just resentment of my

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sufferings. My case is singular, since all meets on my family and fortune, and if fully stated might justly engage the thoughts of all Englishmen to whom property is sacred. Nor is it the powers of Government alone that is here to be contended for, our liberties and the first inducements to undertake so hazardous and difficult an enterprize are struck at by that Bill, and must inevitably fall, if carried on upon the bottom it now stands. Of the preamble, to which I cannot but observe that it seems to recommend and strengthen itself by the word Independent Governments, I know that term cannot relish well with an English Parliament, but as it refers to me, you also know it is not true, my very grant making Dependencies in several respects, and if you cannot believe me the Country is a witness I have been a constant drudge to all your directions, and a King's Governor in all things but a salary. And by nothing but a downright Parliamentary omnipotency can my pretensions be overruled, but I hope by the lights they may receive before the next Sessions are over, those that are the Conservators of our Liberties and the last resort of Englishmen for right will not lightly suffer other men's mistakes or ill designs to prevail with them to ruine me and my family. *Signed*, Wm. Penn. *Endorsed*, Recd. Read Oct. 15, 1701. 3 $\frac{1}{4}$ pp. *Enclosed*,

791. i. Memorandum of Act passed in General Assembly of Pennsylvania, Oct., Nov., 1700. $\frac{1}{2}$ p. [*C.O.* 5, 1261. *Nos.* 18, 18.i.; and 5, 1289. pp. 201–206.]

Aug. 26. **792.** Minutes of Council of New York. 3l. 10s. ordered to be paid to Elizabeth Whanewright for nursing 7 sick soldiers.

Circular Letter ordered to be sent to the Justices of the Peace of the several Counties, ordering them either to send a list of the number of males from 16 to 60 years of age, in obedience to an Order of this Board, June 17, on or before this day fortnight, that the same may be sent to H.M., or otherwise they are hereby required to appear before this Board that day, to shew cause why they shall not have done the same. The said letter also to require the Justices to use all possible diligence and expedition that the quotas of 1,000*l.* tax and of the 2,000*l.* tax not as yet collected and paid, may be speedily paid into the hands of the Collector and Receiver General.

65*l.* paid to Hendrick Hansen and Peter van Brugh for firewood for the garrison at Albany.

Col. Minvielle ordered to appear to-morrow. [*C.O.* 5, 1184. pp. 577, 578.]

Aug. 26. **793.** Minutes of Council in Assembly of New York. Henry Fowler took the oaths etc. appointed.

Ordered that the Representatives be acquainted that this Board do think it necessary for H.M. service that the Public Accounts of the Customs and Revenue kept by the late Col. Stephen Cortlandt, should be immediately stated and adjusted, and desire that in case the Commissioners have not made their report to the House, the House would order them to

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do the same forthwith. The Board also desire that the House would forthwith apply themselves to the consideration of the immediate defence of the frontiers of this Province. [*C.O.* 5, 1184. *pp.* 867, 868.]

Aug. 26.

794. Minutes of Council of Virginia. Ordered that the following proposals be drawn out fair and laid before the House of Burgesses by order of His Excellency: (1) Whereas several parishes are not able of themselves to maintain a Minister to preach weekly, wch. means piety decays, ye Sabbath is prophaned, and ye inhabitants thereby encouraged in a loose, licentious and desolute course of life, that therefore care be taken to make the parishes equal by consolidating them, that they may be enabled to maintain a Minister. (2) That some effectual care be taken for ye safety and security of this Colony, to furnish the inhabitants with arms and ammunition. (3) That a due consideration be had to all the subject matters and proceeding in Council, July 3 and 4 last. (4) Whether it is not most proper in regulating the Militia, that every company consist(*ing*) only of fifty soldiers and every troop thirty. (5) That an Address be made to H.M. that two engineers and fire-masters, well skilled in managing mortar-pieces, granadoes and all fireworks for war, may be sent hither, and all materials for yt. purpose with granadees and dragoon armes. (6) That care be taken for speedy conveying of all public letters, which shall be accounted such, how and by whom to be superscribed, and that all delinquents therein be punished. (7) And for the better despatch of all publick business, consideration be had yt. public Ferries be well and sufficiently kept and maintained in all convenient places, and yt. all great bridges from County to County or otherwise be strongly made and sufficiently repaired. (8) That several particular places be appointed in each County for expresses to (be) sent to. (9) That care be taken to restrain seamen from deserting their service, wch. is very often to ye loss and ruine of the voyages and great prejudices of the owners. (10) That especial care be taken to restrain seamen belonging to any of the King's ships in this Colony from deserting their service. (11) That severe penalties be inflicted upon all such yt. harbour or entertain ym. knowingly, and yt. all yt. harbour, entertaine, truck, trade or deal wt. any servant or slaves belonging to the inhabitants of the County, and all such as shall encourage, aid or abet any servants or slaves in evil dissolute practices, be severely punished. (12) Whereas when embargoes are laid, several ships notwithstanding steal away from the fleet, which may be of very dangerous consequence, that some care be taken to prevent the same, that it answer the end for which it was laid. (13) That for the more especial suppressing of sin and vice, and obtaining due conformity and obedience to ye Laws, one Act be established and made to reinforce the due observation of all penal Laws now in force, puting the same in execution. (14) That some speedy care be taken to make all ye Counties, especially those between James River and York River, from the head to

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the mouth thereof, more compact than now they are by dividing them in some other manner. (15) That if it may be effected, no one county be less than 800 tithables and no one parish less than 400. (16) That one and the same County and one and the same Parish shall not be divided by a River, where it may conveniently be done without. (17) That if they cannot agree for dividing ye Counties, that care be taken concerning ye City of Williamsburgh, it being seated in the two counties, yt. the Sheriff's power may extend into each County, that jurors may be taken to attend ye General Court. (18) That they renew the imposition Acts. (19) Some account of disbursements for public Charities amounting to 146*l.* 8*s.* 3*d.* (20) That regard be had to the Representations of the Directors and Trustees of the City of Williamsburgh concerning payments to be made to ye several proprietors for ye land assigned. (21) That you take care that a house be erected for ye Governor to make his residence at the City of Williamsburgh, according to H.M. Instructions, and the Instructions of the Council of Trade, which I now give you.

Aug. 27. Joint Conference appointed to consider the Indian affairs. [*C.O.* 5, 1409. *pp.* 145-147.]

Aug. 25. **795.** Minutes of Council in Assembly of Virginia. Report of ye Committee for strengthening the frontiers read the second time and amended.

Ordinance of the Assembly prohibiting ordinary-keepers from entertaining workmen on the Capitol sent up, agreed to and sent down.

Aug. 26. Message sent to the House of Burgesses with proposals for their consideration, which H.E., owing to indisposition, had desired the Council to communicate. (*Proposals abstracted above, under date.*)

The Council suggested that an answer should now be made to Lieut.-Governor Nanfan, Mr. Duncan Campbell being forthwith bound to New York, and this opportunity being overslipt, it will be a great charge to send an express for that purpose.

Aug. 27. Conference held for settling matters relating to Indian affairs.

Ordinance of the Assembly for settling ye bounds of Isle of Wight, and an Act concerning ye Militia, ordered to lie upon the table, and to be read in a full Council. [*C.O.* 5, 1409. *pp.* 350-354, 475-479.]

Aug. 27. **796.** Council of Trade and Plantations to the Principal Officers of H.M. Ordnance. Desiring an estimate of the stores to be sent to Jamaica apart from the ingredients for bombs etc. estimated for Aug. 21. *Signed*, Jno. Pollexfen, Abr. Hill, Mat. Prior. *Annexed*,

796. i. Lists of stores, *enumerated Aug. 12 and 21.* [*C.O.* 138, 10. *pp.* 282, 283.]

Aug. 28. **797.** Lieut.-Governor Bennet to the Council of Trade and Plantations. Enclosed are Articles against Mr. Jones, Sherriff of these Islands, which were presented unto me by the Assembly,

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upon which (together with his unmannerlyness to me) I suspended him till H.M. pleasure be further known. I beg leave to trouble your Lordships with this Gentleman's behaviour, when I sent for him, being in Council, to let him know what was alleadged upon oath against him, who after hearing the Articles read, made several frivolous objections, and cast many reflections on the Council, whereupon I ordered him to withdraw, assuring him he might depend I would do him all the Justice he could expect, to which he replied in a very sawey manner, as for Justice he expected none from me. Some time after his suspension, the Assembly prosecuted him upon the Articles, and will come to his tryal at the Assizes in December, an account of which I will transmit by the succeeding opportunity, and if it should so happen, which to me seems impossible, that he should be cleared from that indictment, I humbly hope the affront to me may be considered, and that to restore him must consequently lessen me in the esteem of the people, which will expose me to a great many inconveniencies, and in a great measure incapacitate me performing that duty which is expected from me. And to add to his qualifications for so great a trust, enclosed are copies of his accounts from his entry upon his Office, and the Minutes of Council upon them, who when we demanded a rent-rolle of the King's lands, answered that he never had one, but that his custom was, when he had a mind to receive the King's rents, he made publication of it, and the tenants accordingly came in and paid their money, but whether all appear'd he could not be positive, and to bring an instance where the King has been wronged, there is one James Bassett mentioned in his accounts, who paid noe rent for two years, nor was it demanded from him. Enclosed is also an Act relating to the Sherif, which both the Council and Assembly pressed me to pass before the Articles were exhibited against him, but I refus'd it, his Commission not obliging him to give security, and after he was suspended, they offer'd it again, making great application to me about it, and finding the whole hinge of affairs hung on their gaining that point, therefore (to facillitate business) I thought it prudence to pass it, H.M. having reserved the priviledge to disallow, and I think it my duty to acquaint your Lordships that the King's business can never be so well done under the restraint of the security in that Act imposed, because Sheriffs will be afraid to officiate, but in plain and comon cases. And if H.M. should think fit to send one over with his Commission (and not to let that employment be in the nomination of the Governour as formerly) it will be impossible that any stranger should be able to give the security required, and indeed their meaning for promoting this Act was that neither the King should send such an Officer here, nor to let it be in the Governor's power to prefer any friend he brings with him to that office. There are several other Acts passed, but the Clarkes have not had time to transcribe them, particularly one for the repairing the Castle and Fort, so that if H.M. would please to allow the supply of Ordnance mentioned in my former letters, I doubt not but to give a good account of

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this place, if we should be attacked. As for the state of affairs here, they are in as good a condition, as the disposition of the people will allow, self-interest being chiefly the practice of this place, but I hope I have put matters under such a regulation, that Law and Justice will take place. I have had many complaints from the people against my predecessor Mr. Day and his Officers, all which I have referred to be decided by the Law, and doubt not but in time to make this place so conformable both in church and state, as to deserve a better character than it now has. *Signed, B. Bennett. P.S.—This comes by way of New York. Endorsed, Recd. 15th, Read Dec. 20, 1701. Holograph. 3 pp. Enclosed,*

797. i. Abstract of preceding. 1 p.

797. ii. Articles exhibited by the General Assembly of Bermuda to the Governor against Edward Jones, the Provost Marshall: (1) Contrary to the Act of Parliament that Sheriffs should have sufficient lands upon the place or within the County wherewith to answer in case of miscarriage, and should enter into recognisances with sufficient securities before they execute any part of their office, Jones hath no lands upon these Islands, nor hath entered into any recognisances nor given any security upon the place. (2) He hath very often exacted double the fees settled by Act of Assembly. (3) He hath denied many of his prisoners necessities for lodging, meat and drink, other than what they received under the door or in through the gates. (4) He hath imprisoned Col. White and Thomas Smith without any warrant. (5) He did, as is verily believed, lay with design a considerable parcel of gunpowder, or cause it to be laid, on the prison floor, where several persons were confined. (6) He did upon his oath in open Court at the Assize, Dec., 1700, swear that Thomas Smith did make an escape from him, which appears to be false, and Jones never served any warrant upon Smith. (7) At the said Assize, he made an affidavit against Col. Anthony White and Thomas Smith, sen., for beating him. On being examined on his oath by the Grand Inquest if Col. White did strike him, he replied, No, and next day declared upon his oath the contrary. (8) He hath, contrary to law, violently broken open the houses of Thomas Smith and John Dickenson, and made Dickenson a prisoner in his own house, without any warrant served, by besetting his house in the night with armed men, and keeping a guard upon it, giving a strict charge to the Guard not to let anybody go in or out, Mr. Dickenson being then very dangerously sick in his bed, by which method he must in all probability have perished, if he had not had means in his house to have given him relief. (9) He hath threatened in a most violent manner several persons, calling them rogues, dogs and villains and sons of slaves, and should

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know his authority, denying them the use of their own bedding, forbidding the keeper of the gaol to suffer any manner of necessities to lodge upon to be brought into the prison, notwithstanding it was in the midst of winter. (10) He did extort and take from the Widow Potter four pieces of eight, before he would suffer her to remove her bed out of prison. (11) He hath served several executions on Col. White granted by Gilbert Nelson, late Chief Justice, altho' Nelson had not the jurisdiction of the matter. (12) He did extort unreasonable fees by obliging Mr. John Dickenson, then his prisoner, to pay for serving several four warrants, when really but one was served on him, and taking 12 times as much as the settled fee for each warrant, and also double the settled fee for the Turnkey. (13) He did sieze the lands and goods of several persons, turning their tenants violently out of their possessions, beating and threatening them, and violently abuseing one poor woman bigg with child, inasmuch as that she was forced to cry out, Murder, which occasioned her husband to run to her relief, against whom Jones drew his sword and terrified him away, and all this notwithstanding the persons, whose lands hee seized, have not been convicted. (14) He detained several persons in prison several days after they were cleared in Court. (15) He hath several times extorted unreasonable and unusual fees from Masters of Vessels for liberty to pass the Castle, and whereof he was Commander, contrary to the directions and intent of the Act of Assembly. (16) Contrary to the duty of his office, he hath taken no care for supplies of ammuniton for the King's Castle, whereof he was Commander, and hath abused several persons for suffering Col. Peasly to come upon the Castle, who was also abused by Jones for complaining of the want of powder, who found no more than two or three shotts of powder, some considerable time after wee had the news of a daily expectation of warr with the French. (17) He hath taken upon him the office of a Councillor, and consequently one of the Judges relating to matters of Chancery, which is inconsistent with the office of Provost Marshall, who must serve his own precepts; and hath several times served executions, to the great damage of several of H.M. subjects, out of that Court of Chancery whereof he himself was one of the Judges. (18) He hath publickly declared his refusal to serve any warrant or to be subject to any precept of the Justices of the Peace, by which refusal he hath rendered himself incapable of holding the office of Provost Marshall. (19) But by pretence of a precept of the late Governor Day, he did take the goods of Benjamin Wainwright, junr., of Sandys Tribe, so much as the very bedding from under the poor man, his wife, and

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children, and at the same time, by pretence of the said precept, arrested his body and carried him to the gaol, and there hath most illegally detained him for 10 weeks, without any legal process or tryall. All which is most humbly laid before your Excellency in Council, and hath been already proved against him before the Committee of Grievances on oath, and therefore doe humbly pray that your Excellency would suspend the said Jones from all his offices and profits thereunto belonging, and that he may be left open to the Law, and also that you would appoint such other persons as shall be better qualified for the said offices and that Wainwright may [be] discharged from his illegal imprisonment without fees. *Attested copy.* Sept. 1., 1701. *Endorsed,* Recd. Dec. 15, 1701. 5½ *large pp.*

797. iii. Copy of Minutes of Council of Bermuda, June 27, and July 1, 1701, relating to the suspension of Edward Jones, Provost Marshal and Secretary. *Same endorsement.* 2 *pp.*
797. iv.-viii. Mr. Jones' accounts of H.M. Rents in Bermuda with Minutes of Council thereupon, July 22, 30, Aug. 4, Aug. 11, 1701. 9 *large pp. in all.* *Same endorsement.*
797. ix. Memorandum of An Act to prevent the oppression and extortion of Officers. *Slip.* [C.O. 37, 3. Nos. 60, 60. i.-ix. ; and (without enclosures) 38, 5. pp. 183-188.]

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Carolina.

798. Robert Quarry to the Lords of the Admiralty. This is a place of considerable trade ; in particular there is a trade carried on to and from Curisao and St. Thomas's, which nothing can prevent but the care and diligence of your Officers of the Admiralty. You have made a very good choice, the Judge Landgrave Joseph Morton being a Gentleman of great prudence and ability and hath a great zeal for H.M. interest, but he is prevented and discouraged by this Government to that degree that he cannot do ye King that service he might. From the Act of Assembly here enclosed, your Lordships will see how they have affronted and as far as in their power destroyed all the powers and jurisdictions of the Admiralty in this Government, and past this Law in perfect opposition and contempt to an Act of Parliament of England. I hope your Lordships will take such speedy course that this pernicious Act may be repealed and the King's Officers encouraged and supported in the due execution of their office. The Judge of the Admiralty hath oft represented these and many other affronts, which he and his officers have met with in this Government, to your Lordships, and made a Representation to the Council of Trade and the Commissioners of Customs, but he hath been so unhappy that all his letters have been intercepted or otherwise miscarried, that he could never receive any orders or directions from your Lordships, or any others in these matters of so great concern to H.M. service. I have assured him what he now sends to your Lordships shall goe safe under H.E. Governor Nicholson's cover. He has suffered many

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ways for his zealous espousing H.M. service here, especially in one instance. Upon the death of Col. Blake, the late Governor, according to the rules of this Government instituted by the Lords Proprietors, it was the right of this Gentleman to succeed therein, but he was excluded and voted by the Council incapable thereof, merely for his accepting of the King's Commission to be Judge of the Admiralty here, which they call a breach of trust to the Proprietors. *Signed*, Robt. Quarry. *Endorsed*, R. Jan. 22, 170 $\frac{1}{2}$. *Addressed*. 1 $\frac{1}{2}$ pp. [C.O. 5, 1408. No. 19.]

Aug. 28.

799. Journal of the House of Burgesses of Virginia. Upon the Grievance from the inhabitants on the south side of James River in Charles City County, and those on the north, the first praying that a Court House be built on the south side, so that a Court may be held there once in two months, and the last setting forth that it will be an unsupportable charge, and that they had rather the County should be divided, sd. the bounds be enlarged on their house, the House agreed that the said south side is capable of being enlarged, and in all likelihood within a few years will be so far seated as to be big enough for a County itself, and that the building of a Court House now must be very inconvenient when it comes to pass. Rejected accordingly.

Upon the proposition from Surry County for ascertaining the bounds of the said County next to the Counties of Charles City and Isle Wight, the House agreed that the lines of the several Counties on the south side James River, already made to the Blackwater Swamp, be continued the same course on the south side of the said Swamp, as far as the Government extends. Ordered that the Committee of Claims prepare an Ordinance of Assembly concerning the same.

Grievance from the inhabitants of St. John's Parish in King and Queen County, praying that a division may be made of the said County, or that a Court House be built in the said parish, read; and it appearing doubtful whether in the said parish there be a sufficient number of freeholders to perform the offices of a distinct County, ordered that inquiry be made.

Report of the Joint Committee to consider of propositions relating to the Capitol read, wherein it is proposed that the Cross Gallery be built of the same breadth the main building is. The House disagreed with this proposal. With the proposal that the porches be built circular 15ft. in breadth from outside to outside, and that they stand upon cedar columns, the House agreed, with this addition, that in case cedar posts be not to be had, they be set upon posts of other wood. They agreed to the proposal that the great dores be arched, and that it be left to the Committee appointed to oversee the building, to direct what other doors shall be made therein; and to direct where the four galleries shall be placed, which are to be made in the room the General Court is to sit in. The House agreed that the overseer shall have liberty to take so much room out of the adjacent roomes as in his discretion he shall think fit, for the carrying up a suitable pair of stairs. Agreed that the windows

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in the lower storey be arched, and the lower floors raised two foot from the ground. Agreed that the Committee appointed to oversee the building have power to send to England for all such materials as are yet wanting from thence to finish the work.

Leave of absence granted to Nathaniel Harrison.

Aug. 29. Leave of absence granted to Mr. Westcomb.

Report of the Committee upon the number of freeholders in St. John's parish in King and Queen's County, read, and not being full enough, was referred back to the Committee.

Militia Bill read a first time.

It appearing that 89 Freeholders are resident in St. John's Parish, a sufficient number to perform the offices of a distinct County, resolved that a Bill be prepared for dividing King and Queen County into two Counties, and for making St. John's parish a distinct County of itself.

Committee appointed to inquire into the proceedings of the Committee appointed to inspect and oversee the building of the Capitol.

Ordered that the Report of the Committee upon Indian affairs lie upon the table.

Mr. Waters and Mr. Powell granted leave of absence owing to sickness.

Aug. 30. Mr. Mason granted leave of absence.

Militia Bill read a second and third time.

Consideration of a method, to prevent the inhabitants of Maryland committing our runaway servants to prison and there keeping them until the charge exceeds the value of the servant, referred to the Committee for Revisal of the Laws.

Upon a grievance of Norfolk County, resolved that the proceedings of the Vestry of Elizabeth River Parish in assessing the charge in building and maintaining Chapels upon a particular precinct, when at the same time the charge of the mother Church is laid upon the whole parish, is arbitrary and illegal; that the pulling down an old Chapel built at the proper costs and charge of the inhabitants of the Southern branch precinct in Norfolk County, and building a new one in another place far distant, without the consent of the said inhabitants, is arbitrary and illegal; that the proceedings of the Vestry of Elizabeth River Parish in assessing the whole charge of building a new Chapel upon the inhabitants of the Southern Branch precinct in the said parish, is arbitrary and illegal; that it is reasonable the inhabitants of that parish have liberty to choose a new Vestry. Ordered, upon a petition of Norfolk County, that no public ferry be kept in that County, but what shall be at the County's charge. [*C.O.* 5, 1408. pp. 198-209.]

Aug. 28. 800. Minutes of Council of New York. The gentlemen of the Council after the death of the Earl of Bellomont and before the arrival of the Lieut.-Governor from Barbados having drawn Bills for 1,100*l.* sterl., on John Champante, Agent of the Forces, this day produced an account, whereby it appears by receipts that the officers of the said forces have been paid the said 1,100*l.*,

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together with the full Exchange to be applied by them for the payment of subsistence to themselves and souldiers, which account was approved by the Lieut.-Governor in Council.

An Ordinance drawn up by the Clerk of the Council for the erecting and establishing a Court of Chancery in this Province was produced to this Board and read and approved of and ordered to be entered and sealed and lodged in the Secretary's Office and printed. (*Entered.*)

Answer of Thomas Weaver to the petition of Robt. Livingston was read. Ordered that Wm. Livingston have a copy thereof and reply thereto.

Mr. Walter's account for firewood for the Fort in New York was referred to a Committee.

Aug. 29. The Lieut.-Governor, Col. Abraham Depeyster, Samuel Staats, Robert Walters, and William Atwood, took the oaths appointed, for establishing a High Court of Chancery.

Aug. 30. Reply of Robt. Livingston to the answer of Thomas Weaver was read.

The Countess of Bellomont's account for money, laid out and expended by his late Excellency in and for the service of this Province, for fees and soliciting in England, etc., referred to a Committee. [*C.O.* 5, 1184. *pp.* 579-584.]

Aug. 28. **801.** Minutes of Council in Assembly of New Hampshire. There not being a full Council, adjourned till to-morrow.

Aug. 29. Adjourned till to-morrow.

Aug. 30. Capt. Aaron Everdon, Commander of the *Hope*, was allowed an abatement of powder-money.

Letters about a quota of men to be sent to New York, and about a Law to be made to prevent the spoiling of trees fit for the service of H.M. Navy, were sent down to the Representatives and sent up again.

The Representatives were summoned, and attended, and were adjourned till Sept. 10. [*C.O.* 5, 789. *pp.* 261-263.]

Aug. 28. **802.** Journal of House of Representatives of New York. The Commissioners of Accounts delivered their report:—Since our report to the last House, we have proceeded in the matters committed to our charge, and immediately fell upon that person who had received the greatest sums of the country's money, which was Mr. Livingstone, and as we had formerly desired the Council, so at his Honour's arrival, we desired him, under our hands, to commit the said Mr. Livingstone to gaol; and afterwards, on June 17, we again under our hands desired the same in Council. *Copy annexed.* Since which time we have not proceeded further, because we conceived it to be against our oaths to proceed rigorously against other persons, when we could not force Mr. Livingstone, who had received the greatest sums, as aforesaid. *Signed,* Cornelius Sebering, David Provoost, jun., Leonard Lewis, Abrah. Gouverneur, Rip van Dam. *Resolved,* that the House immediately resolve itself into a Committee to consider of that matter, and have power to send for persons and papers.

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The Committee reported that the Commissioners have honestly and faithfully behaved themselves in the matter, but that it is absolutely necessary for the Peace and welfare of this Province that that matter should be accomplished, and they are therefore of opinion that a Committee of this House be appointed and that the Commissioners of Accounts be directed to join with them to consider what is proper to be done. A Committee was appointed accordingly, and recommended a joint conference of the two Houses, which was ordered, and that the Commissioners of Accounts attend it.

Aug. 29. *See following abstract.*

Aug. 30. *See following abstract.* [C.O. 5, 1184. pp. 1001-1004.]

Aug. 29. **803.** Minutes of Council in Assembly of New York. Joint Committee of the Houses appointed to consider the question of the public accounts and particularly to what relates to Mr. Livingston.

Aug. 30. This Committee reported that the Commissioners appointed to examine and state the public Accounts had informed them that Robt. Livingston, who appears to have received great sums of the public money, hath absolutely refused to account before them for the same, tho' duly required thereunto, and that thereupon it is the opinion of the said Committee that it is of great consequence that an Act should pass to confiscate his real and personal estate for so much debt to the Crown as he can be charged with by the said Commissioners, unless he forthwith account before them by such a day as the Representatives shall think fit, and that if such a Bill be ordered to be brought in, notice be immediately given to the said Livingston, that he may offer such reasons as he can against the same. [C.O. 5, 1184. pp. 869, 870.]

Aug. 29. **804.** Joseph Morton to the Council of Trade and Plantations. Carolina. Having the honour of H.M. Commission for Judge of the Admiralty here, and meeting of late with much discountenance and many discouragements in the due execution of the trust reposed in me, I thought it my duty to acquaint your Lordships therewith. The people here in general are very averse from a compliance with the Laws of Trade and Navigation, which will evidently appear from the enclosed Act, which was lately past on purpose as much as in them lay to elude the force of H.M. Commission, to discourage and frighten all his officers, by the meanness of the fees and the greatness of the penalties, and by imposing Jurys, thereby to be sure of a strong party against the Acts of Trade, wch. most of the Jurymen seldom fail to be. Give me leave to acquaint your Lordships how this Act was procured, and how great a sufferer I have been thereby. Upon the death of Col. Blake, it was my right to succeed him in the Government. But a combination was formed against me (only because I was in H.M. service) by Capt. James Moore and others of the Council, who voted me incapable of the Government, because I had made

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a breach of my trust to the Proprietors in accepting a Commission from the King to be Judge of the Admiralty here, that office being in the disposal of the Proprietors. Whereupon Capt. Moore was chosen Governor, and soon after the said Act was past, wch. in the former Governor's time was in vain attempted, and, had I had my right, they knew could never have been attempted. I have made my complaints to the Lords Proprietors, but have yet received no answer. *Appeals* for such effectual remedys as may support the dignity of H.M. Commission. *Signed*, Jos. Morton. *Subscribed*, Joseph Morton to the Council of Trade and Plantations, Carolina, Sept. 25. The above is a copy of what I have formerly wrote you by way of Virginia, which for a safe conveyance I recommended to the hands of Governor Nicholson, having either by accident or design been disappointed in a former address I made unto you. This I send by a sure hand. I have since in open Council prest the Governor to a repeal of the Act, but without any success. So that unless your Lordships speedily interpose some effectual remedies, unlawful trade will take deeper root, and spread its branches further in these Plantations. And my constant forwardness to oppose its progress in obedience to H.M. commands, as it has been already greatly to my prejudice, so it may in time (if my adversaries prevail) issue in my utter ruin. *Signed*, Jos. Morton. *The whole endorsed*, Recd. Dec. 12, 1701. Read Jan. 28, 170 $\frac{1}{2}$. 2 pp. *Annexed*,

804. i. Abstracts of preceding letters. 1 p.

804. ii. Copy of an Act *for the better regulating the proceedings of the Court of Admiralty in Carolina and the fees for the same*, described above. *Endorsed*, Recd. Dec. 12, 1701. 7 large pp. [C.O. 5, 1261. Nos. 20, 20.i. ii.; and (without enclosures) 5, 1289. pp. 335-339.]

Aug. 29.
Whitehall.

805. Mr. Secretary Vernon to the Council of Trade and Plantations. The Lords Justices refer annexed extract for your opinion. *Annexed*,

805. i. Extract of a letter from Mr. Burrow to Mr. Blathwayt, Livorno, July 28, 1701. This week is arrived a ship from the Bay of Campeach directly with 160 tuns of logwood, Capt. Thomas Ogden, who never touch't at any our Plantations or at England to pay H.M. Customs, which is a very ill thing. If your Honour shall please to know and direct me how to contain myself, I can recover here the King's due. [Board of Trade. Trade Papers, 15. pp. 230, 231.]

Aug. 30.

806. Minutes of Council of Virginia. Upon Capt. Passenger's petition that the *Shoreham* needs careening, ordered that, if he finds it proper and necessary, the same be done with all convenient expedition. The Clerk of the Council ordered to write to Major Sawyer concerning the other part of Passenger's letter the charge seeming unreasonable. [C.O. 5, 1409. pp. 147, 148.]

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- Sept. 1. **807.** Journal of Council of Trade and Plantations. Letter from Mr. Secretary Vernon, Aug. 29, about an English ship arrived at Leghorn directly from the Bay of Campeachy with Logwood, read. Representation ordered.

Letters from Sir W. Beeston, May 30, read.

Letter from Livingston, June 21, read.

- Sept. 2. Letter from Mr. Blathwayt to the Secretary, Aug. 22 O.S., and from Col. Bennet, June 9, read. Ordered that Mr. Nodin have notice to attend to-morrow.

Representation ordered Sept. 1 signed and sent to Mr. Yard.

- Sept. 3. Representation upon the Acts of Assembly of Nevis signed and sent. Mr. Nodin attending and being asked concerning the state of the Company of soldiers at Bermuda in relation to their pay, said that since the first 400*l.* which he remitted when Capt. Bennet went over, he has received and remitted 122*l.* 5*s.* 3*d.* more, which is for their subsistence till Dec. 10 next, as Capt. Gardner, Agent for the Regiment, had informed him. He promised to speak with Gardner and inform their Lordships what prospect there is of receiving anything further upon account of the Company.

The Lord Cornbury presented a Memorial, which was read. But upon the first article relating to the Militia of the Jersies and Connecticut, their Lordships did not think fit to make any present Resolution, because of the surrender of the Jersies, which lies now under consideration. Upon the 2nd article, relating to levy money for the recruits, which he has orders from the Lords Justices to raise, their Lordships observed that the matter being already before the Lords Justices, it is not proper for them to intermeddle therein without Order; and upon the last Article relating to his passage, he was told that this Board had already done what he desired by their Representation of June 26 last; and the Order of Council then made upon it was also shown him.

Letter from Col. Blakiston, May 25, read, and the papers therewith transmitted laid before the Board. The Acts of Maryland enclosed were ordered to be sent to the Solicitor General for his opinion. [*Board of Trade. Journal, 14. pp. 147-152.*]

- Sept. 1. **808.** Minutes of Council of Bermuda. Ordered that whosoever complainant or defendant in the Court of Chancery shall hereafter on his motion in Court have his cause referred or put off from one Court to another (which by this Court shall be considered to be of any benefit to either party) that then such person receiving the same benefit shall pay costs to the other party for that day's attendance. [*C.O. 40, 2. p. 43.*]

- Sept. 1. **809.** Minutes of Council of Maryland. H.E. acquainted the Board that the Nanticock Indians have lately held a great Matchecomico, wherein were present several foreign Indians, without giving notice to this Government. Whereupon, and in regard of ye present prospect of a war with France, it is thought that we cannot be too cautious to inquire into and prevent their

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underhand practices in inciting our Indians to be troublesome to us, and to join with our enemys. Committee therefore appointed to go to them, and require to know what those foreign Indians were, and what was the occasion and result of their Matchecomico, and if they have any just ground of complaint to make to this Government, which if they have, to acquaint them H.E. the Governor will be ready to do them justice.

Letter from Mr. Secretary Vernon, March 4, 170^q, read, signifying H.M. pleasure to have this Province upon their guard for the better security thereof from any sudden attempt of an enemy. Ordered that the Militia are (*sic*) diligently mustered and trained according to the Act of Assembly now in force, and the Province is pretty well furnished with arms.

H.M. Letter Jan. 19, 170^q read, requiring this Province to assist and supply the Government of New York with 160 men and 650*l.* ster*l.* for the erecting and maintaining of forts there for the defence of that H.M. Province upon notice given from New York of their want thereof, which being considered it is thought fit to be communicated to the Assembly at their next meeting, that it may be proposed to them to raise the same if required from us by that Government.

H.E. acquainted the Board that the Council of Trade and Plantations have been pleased to require an account of what tobacco has been raised by the 40*lb.* tobacco per poll to the Ministry, since the first Act of Assembly for raising thereof, whereupon he had issued an Order to the Ministers and Vestrys of the respective parishes, to cause the accounts of the 40*lb.* per poll to be transcribed and transmitted to him by the first day of the next Provincial Court.

Letter from William Harris, of H.M. Justices of Cœcill County, in behalf of that County Court, complaining of their late Clerk, Daniel Pearce, that he had not completed his records, but in a shameful manner kept his Minutes, and entered up judgements for the petitioner, when given for the defendant, some judgments not at all, and most in blank, and praying that some persons being Commissioners of that County Court might be impowered and required to sit by the said Pearce whilst he is making up the said Record, the Court being afraid to trust him with the Books. Ordered that the Justices of Cœcil County Court do at their next County Court appoint two of their own Members to sit by whilst Pearce is employed in perfecting the said records, and also that Jno. Carville, the High Sheriff, do take him into custody, and bring him before H.E. and Council.

Whereas H.E. is informed H.M.S. *Lincoln* will sail from Virginia to England some time in Sept., ordered that the Collectors give notice to the Commanders of ships, upon their cleanings, that they may call in at Virginia, and, if they please take the benefit of that convoy. [*C.O.* 5, 744. *pp.* 1-6.]

Sept. 1.

810. Journal of Assembly of New York. Report of the Commissioners' proceedings with Mr. Livingstone. When acquainted that they were ready to receive his accounts,

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Mr. Livingstone replied that, for what money he received for the King, he had given an account already, and as for what he had received from the King, desired to know his charge, and in a reasonable time he would discharge the same. They answered that, if he would bring his books or accounts of what he had received from the King, and for what he had received the same, they were ready to lay the King's Books open with the same, and compare them. He thought it a great hardship to be compelled to give his particular accounts of his discharge, without having his charge first given him for what he is to account, being for money received from the King, and not for the King, but is willing to give all the satisfaction imaginable, and has begun to transcribe all the particular accounts for 17 years past, and has gone a pretty way in it, but having been taken up by the public since my Lord's death, and given his attendance at New York, and at Albany, relating to the affairs of the Indians, has not been able to accomplish the same. He desired that the Commissioners would send one or two of their members to his Chamber, where he will shew how far he has advanced, that they may report what reasonable time will be required.

The House unanimously decided that these pretences were frivolous and that Livingston hath thereby wholly disobeyed the Act empowering the Commissioners, and therefore this House cannot agree to give any further time to him, it plainly appearing that he has had nigh eight months to state the said accounts. Ordered, that a Bill be brought in for the confiscating the real and personal estate of the said Livingston for so much debt to the Crown as he can be charged with to have received by the said Commissioners, if his accounts be not delivered to them before Wednesday next. And that he have notice of this immediately and that the Commissioners of Accounts do with all expedition examine the books of what he has received, and what other matter relates thereunto. Committee appointed to consider in what manner an Additional Duty shall be granted to H.M. Ordered that the Commissioners of Accounts do attend the matter of accounts to-morrow morning from seven to ten, and that Mr. Livingston have notice thereof.

Sept. 2. The Commissioners reported that they had met, and that Mr. Livingston had not attended.

Ordered that an Act to repeal the Act for defraying the public charge be brought in, and another to declare the matter more fully.

The Committee to consider an Additional Duty reported that an additional duty be laid upon all European goods imported into this Province from any of H.M. Colonies, 6 per cent.; upon every pipe of wine 10s.; upon woollen manufactures made in our neighbouring Colonies, 10 per cent.; upon every pipe not directly imported, 40s.; upon rum directly imported, per gallon, $\frac{1}{2}d.$, indirectly, $4\frac{1}{2}d.$; for other strong waters per gallon, distilled by our neighbours, $4\frac{1}{2}d.$; for beer imported by our neighbours, per barrel, 4s.; on negroes not directly imported per head, 20s. This report read and re-committed.

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Ordered that a Bill be brought in to enable the City and County of Albany to defray their necessary charges.

Bill ordered to be prepared for further regulating the Elections.

Bill ordered to be brought in for the allowance of 6s. per day to the Representatives from the beginning of this Sessions, and that the other Bill be repealed.

Sept. 3. Act for regulating the Forces in Ulster County read the first and second time, and committed.

Act for confirmation of an agreement between Thomas Swartwont & Co. and Gerret Aertsen & Co. read the first time.

Joint Committee to consider the immediate defence of the frontiers proposed. *Printed.* [C.O. 5, 1184. pp. 1004-1006.]

Sept. 1. **811.** Journal of House of Burgesses of Virginia. The House was called over, and some excused on account of sickness etc. Ordered that Joshua Winn, James Bray, Henry Applewaite, Thomas Giles, Thomas Milner, William Armistead, William Cary, William Gough, Gawin Corbin, and William Tayloe, be sent for in custody of the Messenger to answer their default in not attending the services of this House.

The House agreed to the Ordinance prepared by the Committee for setting the bounds of Isle Wight, Surrey and Charles City Counties. Messrs. Wynn, Millner and Bray discharged out of custody, paying fees. Consideration of H.E.'s proposals adjourned owing to the absence of several members.

Act concerning the Militia read a third time, amended and passed, and sent up. Ordinance for settling bounds also sent up. Mr. Armistead discharged out of custody, paying fees.

Sept. 2. Book of reports from the Committee of Public Claims ordered to lie upon the table.

Mr. Corbin, Mr. Tayloe, Mr. Applewait, Mr. Giles discharged out of custody, paying fees. Mr. Clay discharged out of custody, paying no fees.

The House in Committee considered H.E.'s propositions and drew up several resolutions thereupon, which were ordered to lie upon the table.

Sept. 3. Mr. Gough was discharged out of custody, paying fees. A message from H.E. and Council, desiring to know what answer shall be given to the letter of Lieut.-Governor Nanfan concerning the quota of assistance ordered by H.M. letter of Jan. 19 last, was answered to the effect that, H.M. letter had been under the serious consideration of the House, and when they had fully considered H.E.'s propositions, they designed to signify their several resolutions, in an humble Address to H.E. Petition of Jno. Tullit, referred by H.E. and Council to this House, read, and the same praying for the apprehension of a runaway negro, who hath lain out three years and committed several robberies and offences, resolved that a Bill be prepared making it lawful to kill him and a felony to entertain, harbour, truck or trade with him. 1,000lb. of tobacco ordered to be offered as reward for killing or taking the said negro.

Petition concerning land in Pamunkey Neck referred,

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Resolved, that the subject matter of H.E.'s first proposition (No. 794) is sufficiently provided for by the laws already made, and the second by the Act concerning the Militia, which passed this session. The proceedings of this session already agreed upon will answer H.E.'s third proposition. The matter contained in H.E.'s fourth proposition is wholly in his province. (5) This country is not able to pay the charge of engineers and fire-masters, or the materials suitable for fire-works and fire-ships. The subject matter of H.E.'s propositions, 6-12, referred to the Committee for the revival of the Laws. (13) The penal laws now in force are sufficient. (14-16) It is not convenient to make any alteration in the bounds of counties and parishes already settled, but when representation is made from counties or parishes that they are aggrieved. (17) It is necessary that the sheriff, which shall attend the General Court, have power to summon jurors or evidences in any part of the City of Williamsburgh. Bill ordered to be prepared accordingly. Consideration of Propositions 18 and 19 referred to a farther time. (20) Ordered that the directors and trustees of the City of Williamsburgh do lay before this House a particular account of every Proprietor's name concerned in the land taken up for the said City, what quantity of land each is to be paid for, what lots are disposed of, and what is received thereupon. (21) This country is not in a capacity at this time to undergo the charge of building a house for the Governor.

Ordered that the petition of Charles Evans, on behalf of his master, John Woodson, for further allowance for writing the Pirate trials, be rejected.

Resolved that the method already appointed for the revival of the Laws is the best, and ought to be continued until the revival be finished. The House approved Mr. Robert Beverley's undertaking the part which was assigned Mr. Fowler in revising the laws, and ordered that he, Major Peter Beverley, and Mr. Benj. Harrison be paid 90*l.* each as an assistant, at finishing the revival. 50*l.* ordered to be paid to Major Peter Beverley for what he has done since the last session.

Payment of Members of Committee for revising the laws ordered to be made according to their attendance. The House negatived the Report of the Committee of the whole House, that the Committee for revival of the Laws have leave to meet in March next.

Ordered that a Committee be appointed to prepare an Address to H.M., representing the case between this Government and New York, and suitable instructions for our Agent thereupon. [C.O. 5, 1408. pp. 209-221; and 5, 1409. p. 355.]

- Sept. 2. **812.** Minutes of Council in Assembly of Virginia. Bills sent up by the Burgesses, Sept. 1, ordered to lie upon the table, to be read in a fuller Council.
- Sept. 3. *See Journal of Burgesses under date.* [C.O. 5, 1409. pp. 478-480.]
- Sept. 2. **813.** Governor, Lord Cornbury to the Council of Trade and Plantations. Finding from his Commission for the Government

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of New York that the command of the Militia in the Jerseys and Connecticut is placed on him, he humbly conceives that he shall not be able to serve the King so usefully as he desires, unless he may have a power of Commission to nominate the officers of the Militia there. He has received an Order from the Lords Justices, July 31, for the raising such recruits as are necessary for the fitting up the four companies at New York (which have suffered very much by desertion since Lord Bellomont's decease); and has endeavoured ever since to raise that number of men, but hitherto without success, for want of levy money, not but the men are to be found, if there were any encouragement given. He therefore hopes your Lordships will consider how much more difficult it is to raise men to goe to soe remote a part of the world, then for Irland or Holland, and represent the necessity of that service to the Lords Justices and Treasury. He hopes to be ready to sail in a few days, and prays for the usual allowance of tunnage. *Signed*, Cornbury. *Endorsed*, Recd. Read Sept. 3, 1701. 1 p. [C.O. 5, 1046. No. 35; and 5, 1118. pp. 407, 408.]

Sept. 2.
Jamaica.

814. Extract of a letter from Capt. Peers to Mr. Southwell. Capt. Elliot is not yet returned from his cruise, upon which he has been these nine or ten weeks, but expected soon in. We have dayly for a long time past expected Admiral Bembo, pray God that he may come time enough to be of use to us. For this day being to wait on Col. Knights, Governor of this town and fort, he read me a letter from Sir Wm. Beeston, which advised him that by letter from St. Thomas, he had great reason to believe that we should be attacked by M. de Cas, the late French Governor of Petit Guavas, who with 18 men of war designs on this Island. Upon which Capt. Daws, of the *Margett*, is ordered to the coast of Hispaniola, to observe their motion, and to try what intelligence he can learn from Petit Guavas, or thereabouts of the design. We are here in a pretty good posture of defence. All unmounted guns are putting in order on the lines, and the new Citadel will be finished this week. A Council of War sits this day on this affair. But after all (tho' 'tis good to be upon our guard and ready to make our defence) yet some believe that 'tis only a rumour, and say that ye French and Spaniards will never attack us first. But they are no people that will lose an opportunity, knowing that Admiral Bembo is so soon expected, and that then it will be in vain to look towards this Island. *Refers to mortality amongst the soldiers.* Sugars have this year arisen to the greatest price that ever yet was known in this island, some being at 45s. per cent. from the Planter. I fear consequently that the rates must rise considerably in Europe. The Island is in a very rich and prosperous condition at present, and has fully recovered both the injuries of French former invasions and that of the earthquake 1692, and if there happen no more troubles, I do think it is the richest and most flourishing part of the King's Dominions. *Endorsed*, Recd. Read Nov. 19, 1701. 2½ pp. [C.O. 137, 5. No. 55; and 138, 10. pp. 315, 316.]

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Sept. 2.

815. Minutes of Council of New York. The Governor appointed Thomas Noell and John Depeyster to be Masters of the High Court of Chancery; Barne Cosens to be Register and Examiner of the said Court, as also purse-bearer, seal-bearer and sealer of writs; Abraham Gouverneur and Richard Harris to be Clerks of the Court. The three latter took the oaths accordingly.

Petition of Robert Livingston read. [C.O. 5, 1184. pp. 584, 585.]

Sept. 3.

Whitehall.

816. Council of Trade and Plantations to the Lords Justices. We humbly lay before your Excellencies the Acts passed in a general Assembly of Nevis in Feb. and March last (*enumerated*). The Act for the better securing the Island against all assaults, alarms, etc., and for repairing the breast-works and round paths, does lay penalties on every person above fourteen years of age and under sixty that shall neglect or refuse, on notice by beat of drum or otherwise, to appear in arms at the place of rendezvous of the troop or company to which they do belong, sickness only excepted; and doth not allow other just reasons for being absent, as imprisonment etc., which seems unjust; and the penalties are to be increased on every default *in infinitum*, which seems unreasonable; and further that by the said Act, if servants offend in not attending for their masters with arms, they are for small offences subjected to corporal punishment, not exceeding lying neck and heels together, and for greater offences they are to be tryed by field officers and captains, and such punishment to be inflicted on them as they in their discretion shall order and direct, whereby they are enabled to take away the lives of such offenders by Martial Law in time of peace, which we conceive to be contrary to the law of England. And for these reasons we humbly offer that the said Act be disallowed. As to all the rest of the forementioned Acts, we do not see any objection against them, and are therefore humbly of opinion that your Excellencies may be pleased to approve the same. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Mat. Prior. [C.O. 153, 7. pp. 226-228.]

Sept. 3.
New York
in America.

817. Mr. Broughton, Attorney General of New York, to the Council of Trade and Plantations. I am ashamed that I should not keep equal pace with the Chief Justice here. I did design a joynt address of thanks with him for your joynt favours to us, but was not happy in the opportunity thereof, etc. We set sale from Gravesend April 26, and were till July 24 before we landed here. Our reception was in all things suitable to the Commissions we brought with us, but the heat of the season, and that encreased by the frequent and unavoidable entertainments we have received, hath something indisposed me, and so prevented my free converse abroad, that I cannot give your Honours so perticular an account of affairs in this place as else I should. The General Assembly is now sitting, and I heare they have resolved to take care of the Revenue of the Province in continuing a branch thereof, which was either gon or like to

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fall off. The Governor and Councell have made an Order for erecting a Court of Chancery here, which I doubt not will be of great use and benefit to this Province. 'Tis designed to be opened on Thursday next. I finde two very opposite partys amongst this people, all equally the King's subjects, yet want to be distinguished for Nation sake, and I cannot discern a more material ground of their difference than that, though many allegations are on both sides. At what pitch it stood in my Lord Bellomont's life-time, I know not, but am well informed that it is much heightened since his death. The expectations of both parties are at present upon whom H.M. will think fit to confer the care of this government, by whose prudent and wise conduct the present evils amongst us may in all probability be much lessened, if not wholly removed. We hear by the way of Philadelphia that my Lord Cornbury is appointed. I hope my zeal may excuse my presumption, if I take upon me humbly to propose that you would be pleased to procure special instructions from H.M. to the Governor, to use temper and moderation at his first coming to us, and to treat each party with like favour and respect. By which means, after he hath runn some course in such a management, he will be able clearly to discern who are the true friends of H.M. and his Government here, and then it will not be difficult to determine how to steare himself for the future. We hear by the same way that the Jerseys are annexed to this Government and Massachusetts Bay taken from it. I hope your Honour will take care of us, that our Commissions be not lessened thereby. Mr. Graham, the late Attorney General's son, who is Surveyor General of this Province, is gon for England. If he returne not again or resigns his place, I should be proud of your Lordships' favours towards my eldest sonne, here with me, for a patent for it, and to extend to the Jerseys. And if this cannot be, I should be very glad of H.M. direction heither, that I might be admitted to dwell in one of Kidd's houses in this City, wch. are now forfeited. I have eight in family, and know not yet where to fix them; houses are so scarce and dear, and lodgings worse in this place. *Signed, Sa. Sh. Broughton. Endorsed, Recd. 15, Read Oct. 16, 1701. Addressed and sealed. 2½ pp. [C.O. 5, 1046. No. 36; and 5, 1118. pp. 421-424.]*

Sept. 3.
Whitehall.

818. Council of Trade and Plantations to the Lords Justices. Report upon the case stated Aug. 29. Having formerly advised with H.M. Attorney and Solicitor General upon a like occasion, we do not understand by them that there is any law wch. forbids the carrying of logwood from Campeache (that being no part of H.M. Plantations). The ships belonging to any of H.M. Plantations are, by the Act of 22 and 23 Car. II, to prevent planting of tobacco in England, and for encouragement of the Plantation Trade, prohibited from unlading any dying wood in any port or place in Europe, other than England, Wales or Berwick upon Tweed, upon pain of forfeiture, so that if ye forementioned ship did belong to any of the said Plantations,

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her having carried logwood directly from the Bay of Campeache to Leghorn, and there unladed it, makes her liable to forfeiture whenever she can be met with, and prosecuted upon the said Act. This being all the provision in law that we understand to be applicable to the present case, we further humbly crave leave to represent to your Excellencies, in relation to the consequences of this trade, that tho' the Customs upon logwood imported into England be 4*l.* 15*s.* per tun, yet the drawback allowed upon exportation being 3*l.* 16*s.* per tun, there does remain to H.M. but 19*s.* per ton, and considering on the other side that Campeache is no part of H.M. Plantations, and that the logwood which grows there may be cut and carried directly from thence to any place in Europe by any other Nation, as well as English, it seems some sort of hardship that Englishmen should not have the same liberty as others to employ their ships, and make any other advantage that may be reaped by that trade. Nevertheless the forementioned clause in the above Act laying a greater restraint upon ships belonging to H.M. Plantations than upon other English ships, we humbly offer that whenever the forementioned ship returns to England, and can be met with, in case she be found to belong to any of H.M. Plantations, the Commissioners of Customs may be ordered to take care that she be prosecuted according to law. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, M. Prior. [*Board of Trade. Trade Papers, 15. pp. 231-234.*]

Sept. 3.
Boston.

819. Minutes of Council of the Massachusetts Bay. Sailing orders to Capt. Henry Crofts, H.M.S. *Gosport*, for a twelve days cruise betwixt Cape Codd and the North Shore and about 10 leagues into the sea from the said Cape, for the better securing of navigation, signed.

23*l.* 6*s.* paid Mr. Isaac Addington, Secretary, on account of fees *etc.* due to him.

700*l.* issued to Mr. Brattle, out of the 1,500*l.* voted May 28, for fortifying Castle Island.

Sept. 4.

An alteration being made by the General Assembly in their resolve of May 28, abating the proviso that the inhabitants of Salem keep the Fort there in repair for the future, a new order to the Field Officers of the Regiment there, empowering and directing them to take effectual care that the Fort be repaired with the sum granted by the General Assembly, and the further sum to be expended by Salem according to the proviso in the resolve aforesaid, was signed.

Warrants of impress, for raising of soldiers for the relief and exchange of the garrison at Casco Bay, who have petitioned to be discharged, signed, and an order to Capt. James Warren to provide a vessel for transporting them to the Fort.

294*l.* 9*s.* 8*d.* paid to Capt. Cyprian Southack on account of stores for the *Province* galley.

Thomas Broughton, armourer at Casco Bay paid 22*l.* 8*s.* 6*d.* for his service there.

John Foster paid 50*s.* for the use of Charles Kelly of the Isle of Shoales for hire of a shallop. [*C.O.* 5, 788. *pp.* 83-86.]

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Sept. 3.

820. Minutes of Council in Assembly of the Massachusetts Bay. The Assembly attending, Wait Winthrop, Esq., addressed them, observing that it would be necessary to make all dispatch in getting ready such letters and papers as are to be sent to England. Since their recess nothing of moment had occurred, only, a letter from Mr. Brouillan, Governor for the French King in Accadie, to which an answer had been returned, both of which should be laid before them, and the arrival of H.M.S. *Gosport* from England, by which there was an account of H.M. appointment of Col. Dudley to be our Governor, and that he might be expected in a short time. He further recommended to them to provide for the rule and Government of the College at Cambridge.

Sept. 4.

Resolve of the Assembly, that whereas this House hath received credible intelligence that a Governor for this Province has been appointed, the sending an Agent to England be deferred till next session of this Court, and that the Address and Memorial of this Court to H.M. be forwarded as soon as may be, was not concurred with.

Resolve of the Assembly concurred with that the powder-money received at the Impost Office at Salem be applied for the use of the Fort.

Resolve of the Assembly concurred with, that Elizabeth Riley be allowed 30s. [*C.O.* 5, 788. *pp.* 311-313.]

Sept. 4.

821. Board of Ordnance to the Council of Trade and Plantations. Enclosing account of stores of war that have been lately and are to be sent from that office to Jamaica, pursuant to your letter of Aug. 27, amounting to 8,552*l.* 3*s.* 9½*d.*, besides the annual pay of the officers and artificers going thither, amounting to 1,387*l.*, which we hope the Island will also take care to pay. *Signed*, C. Musgrave, Ja. Lowther, Wm. Boulter. *Endorsed*, Recd. Read Sept. 9, 1701. 1 *p.* *Enclosed*,

821. i. Account of stores of war referred to above. 10 *pp.* [*C.O.* 137, 5. *Nos.* 51, 51.i.]

Sept. 4.
Whitehall.

822. William Pople to Sir John Hawles, enclosing, by order of the Lords Commissioners for Trade and Plantations, six Acts past in General Assembly of Maryland, April 17 last, for his opinion in point of law. [*C.O.* 5, 726. *pp.* 103, 104.]

Sept. 4.
Whitehall.

823. Council of Trade and Plantations to Governor Blakiston. Since our letter of Aug. 20, we have received yours of the 25 May. The lists of the inhabitants you have sent us are only too particular and voluminous. We have no need of the names of every child and every slave, but only the totals in each county, which we have therefore caused to be abstracted from your lists, and send you here enclosed a copy of that abstract, only for the form's sake, that you may the better judge what is required, and take care to do it hereafter in the easiest and plainest manner that you can. The main thing is that we may

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know the increase or decrease of the people, and more particularly of such as are fit to bear armes ; unto which you may also add your own observations concerning the number and interest of Quakers and Papists. The care you are taking about a public Armory is very well. You will have seen by our former letters that the vacancies in Council are fitted up with all the persons that you have recommended. But you are yet defective in giving us the list of persons fit to supply those vacancies according to your Instructions, which ought to consist of 12 persons, with the particular character of each of them.

We wonder the Assembly should not think fit to constitute an Agent for soliciting their affairs here. There are occasions (tho' not at our Board) in which Business cannot be done without some charge ; and inconveniences have arisen by the delay of reports upon some Laws, and otherwise ; all which will grow worse and worse if some fit person be not appointed to look after such like matters. We have considered what you write about raising the value of coyne in that Province. But as your Instructions not to consent to any Act of Assembly are your rule, which you have done well accordingly to observe ; so we think the conduct of the Parliament of England some years agoe, when the coyn of this Kingdome was in the utmost disorder, ought to convince those, who are desirous to raise the coyne in Maryland, of the folly of that project. Instead of bringing any solid advantage to those countrys who use that method, it will but increase their inconveniencies, and force them at last to a more thorow reformation. What has been done in the Proprieties to serve a present turn for their own ends, is a matter of great complaint against them, and may probably fall under the consideration of Parliament here, and force an equality of value of coine in all H.M. Plantations. We therefore can neither advise you to promote any alteration in that matter, nor to innovate anything in what has hitherto been practised in the payment of taxes there, until this whole matter, which relates to coyn, have been further considered and fully settled. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 726. pp. 105-107.]

Sept. 4. **824.** Journal of Council of Trade and Plantations. Mr. Dockwra, Mr. Richier, Mr. Bridges, Mr. Ormston, and Col. Morris, attending the Board in relation to the affairs of the Jersies, they generally declared that the intention of the Proprietors, by the proposals exprest in their late memorial, is only to secure their right in those things, which are matter of property, and that they are unanimous in their desire to surrender the Government to his Majesty and submit the circumstances thereof to H.M. pleasure. But in relation to their petition that Col. Hamilton may be continued in the Government, Mr. Dockwra dissented from the rest, and proposed one Capt. Boon, to whom a Commission has been lately sent from some of the Proprietors of East Jersey, whereupon after some debates, they agreed that each side would lay before the

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Board lists of persons of most note in those parts, with their characters, in order to consideration, either for a Governor, Counsellor, or other imployments.

Letter to Col. Blakiston, in answer to his mentioned in yesterday's Minutes, was signed. [*Board of Trade. Journal, 14. pp. 153, 154.*]

Sept. 4. **825.** Minutes of Council of New York. Ordered that Walter Thong and Capt. John Clotworthy do appraise the brigantine *Endeavour* on oath, together with her loading, and return to this Board what they shall have done therein. [*C.O. 5, 1184. p. 585.*]

Sept. 4. **826.** Minutes of Council in Assembly of New York. Joint Committees of the two Houses appointed to meet at the house of Mr. Gabriell Thompson in the City, to confer about the immediate defence of the frontiers and also about Col. Stephen Cortlandt's public accounts. [*C.O. 5, 1184. p. 870.*]

Sept. 4. **827.** Journal of Assembly of New York. Act for allowance to the Representatives read a first and second time.

Report of Committee to examine the Act for defraying the public charge read. Bill ordered to be prepared accordingly.

Ordered that a Bill be brought in to confiscate the estate of Mr. Livingstone, and that the Commissioners of Accounts produce the Report, they were ordered to bring to this House, to the Speaker, to be inserted in the Bill. Upon a motion made by Capt. D'Peyster, that an Act may pass for some privileges for the City of New York, a Committee was appointed to consider the same.

Ordered that a Bill be brought in for supervising intestate estates, regulating the probate of wills, and granting letters of administration.

Sept. 5. The Committee to consider of privileges for New York reported that the Ferry House on Long Island may be free from Excise; the Ferry between N. York and the Island of Nassau, belonging to N. York, have all the rights and privileges it formerly did enjoy; and if persons shall bring over from the ferry or to the ferry anything but their own produce, without paying the ferryman, shall forfeit his boat or canow; for every half barrel of flower imported from any neighbouring Colony, 1s.; for each cwt. bread imported as aforesaid, 6d.; for every barrel of syder imported as aforesaid, 9d.; for every empty cask imported as aforesaid, 3d. To be paid for the term of 3 years. And that the great bridge be maintained at the charge of the Government out of the Revenue. Ordered that a Bill be brought in accordingly.

Bill, to enable the City and County of Albany to defray their necessary charges, read the first time.

Bill, for the essaying gold and silver wrought up in this Province, ordered to be brought in.

Bill about the fences of Ulster, amended, and read a third time.

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Act for encouraging the City of New York read the first time.
 Act concerning Tho. Swartwont and G. Aertsen read the second time and committed.

The Committee to consider additional duties reported that the following additional duty be granted to H.M. for the support of the Government, for two years :—(as Sept. 2 with minor alterations) and adding, Provided always that 140*l.* a year be added to his Honour's salary, by reason of his trouble in the Government ; that 70*l.* a year be reserved to pay W. Atwood, Chief Justice, as an additional salary, in consideration of his expense and charges in coming over here, but that this be not drawn into consequence or example ; 60*l.* a year to Bonardus Freeman for his encouragement to propagate the gospel amongst the Five Nations, and 15*l.* per year for his charges to the Indians ; and 25*l.* to Lawrence Claesen, sworn Interpreter to the Five Nations. Ordered that a Bill be brought in accordingly.

Sept. 6. Bill concerning Swartwont and Co. and Aertsen and Co. amended and read a third time and passed.

Bill regulating the fences in Ulster County read the third time and passed.

Act for encouraging New York City read the third time and passed.

Bill to enable Albany to defray charges read a second time and committed. *Printed.* [C.O. 5, 1184. pp. 1006-1009.]

Sept. 4. **828.** Journal of House of Burgesses of Virginia. Mr. Fox and Mr. Thorowgood granted leave of absence owing to sickness.

Report of the Committee for Public Claims considered, amended and passed.

Petition of John Chyles for an advancement of his salary as Mace-bearer rejected.

Petition of Anne Blathwaite, for an allowance for sweeping the Burgesses' room, granted.

William Randolph paid for disbursements.

Reports of the Committees upon the business relating to lands in Pamunkey Neck and on the south side of Blackwater Swamp, and the petitions of Edmund Jennings, John Buckner, Thomas Parker, Thomas Mackgehey, Edward Huckstep, Philip Williams, George Shillin, James Johnson, and Edward Bell, relating to claims for lands there, considered. Patents ordered to be issued to Tho. Ellit for 157 acres ; to John Oliver for 146 ; to Jno. Rappier for 185 ; to James Adams for 437 acres ; to Tho. Care for 446 acres ; to Tho. Comee for 139 ; to Richard Littlepage for 2,367 ; to John Heyden for 196 ; to Abrah. Willory for 445 ; to John King for 211 ; to Robert Davis for 208 ; to James Hayfield for 109 ; to Robert Blackwell for 174 ; to James Henderson for 155 ; to Tho. Nicholls for 183 ; to Jane Gough for 80 ; to Wm. Maybank for 105 ; to John Burrows for 439 ; to John Thomson for 537 ; to Tho. Cranshaw for 150 ; to James Edwards for 854 ; to Charles Fleming for 1184 ; to James Dabony for 1000 ; to Christopher Pierson for 106 ; to

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Lewis Davis for 320 ; to Mary Herbert for 200 ; to Andrew McAlister for 86 ; to Peter White for 355 ; to Hannee Hendrick for 594 ; to James Terry for 418 ; to Henry Fox for 580 ; to Henry Fox for 584 ; to Henry Fox for 821 ; to Wm. Williton for 1091 ; to George Dabony for 293 ; to William Anderson and Dorothy, his wife for 179 ; to James Dabony for 204 ; to Matthew Mulleen for 268 ; to Nicholas Merryweather for 459 ; to Stephen Terry for 335 ; to Sarah Dabony for 179½ ; to Robert Davis and Mary, his wife for 137 ; to William Hurt for 298 ; to Abrah. Willory and Dorothy, his wife for 137 ; to Martin Slaughter and Lillias, his wife for 137 ; to John Hurt for 546 ; to John Lypscomb for 200 ; to Will. Lypscomb for 300 ; to Benjamin Arnold for 2,100 acres of land.

Ordered that Thomas Spencer be heard upon his caveat against two patents for land to Gideon Macon.

Resolved that no patents be issued to any person claiming lands within the bounds assigned the Pamunkey Indians, and therefore not for the lands claimed there by Thomas Ware, Thomas Parker, Anthony Fuller, James Johnson, Robert Napier, Philip Williams, Thomas McGee, Edward Hickstep, Edward Bell, Alexander Anderson, Joseph Norment for Joseph Philip and George Southerland, Michael Wardrop, or William Andrew.

Resolved that a Patent be issued to the Pamunkey Indians and their posterity for their lands according to the survey made by James Ming.

Patents for land on the south side Blackwater Swamp ordered to be issued to Capt. Francis Epes, Wm. Epes and Capt. Littlebury Epes for 1,000 acres ; Richard Smith for 550 ; Wm. Parham for 450 ; Edmund Irby for 399 ; Robert Carlisle for 100 ; Robert Smelley, Tho. Giles, Jos. Bridger, Lewis and Wm. Smelly for 2,098 ; to Tho. Reeves for 740 ; to George Pierce for 200 ; to Capt. Wm. Hunt for 4,342 acres of land.

Patents ordered to be issued for lands in Pamunkey Neck and on the south side Blackwater Swamp ; to William Jones, senr., for 600 acres ; to Jno. Freeman for 300 ; to Jno. Boythres for 350 ; to Thomas Thrower and George Pasmore for 680 ; to Tho. Wynne for 200 ; to Richard Gourd for 100 ; to John Butler for 930 ; to Robt. Hawthorne for 1,400 ; to John Butler for 450 ; to Mary Williams for 650 acres of land.

Resolved, that Richd. Wyatte, Ordinary Keeper, be paid 4,315*lb.* of tobacco for entertainment of the Commissioners appointed to examine the claims and titles to land in Pamunkey Neck ; and Wm. Burford, for ferrying them to and from Court 354*lb.* Jno. Waller, Sheriff, 2,080*lb.*, to be paid for services in connection with that Commission ; John Walker 300*lb.* ; Robert Hackley 100*lb.* for attendance thereupon. These payments to be levied proportionately from the patentees. James Ming paid 3,292.

Resolved, that the Chickahominy Indians ought to have and enjoy the same privileges and immunities ye Pamunkey Indians doe.

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Resolved, that according to the Articles of Peace, May 29, 1677, the Chickahominy Indians have their land laid out in Pamunkey Neck between the two Herring Creeks.

Resolved, that all other Indians in amity with and tributary to this Government have land laid out for them according to those Articles of Peace, in the same place they live in, when they make suite for the same, provided it be not Patent Land.

Secretary's fees for Patents ordered to be paid by the Patentees.

Resolved, that in all cases where the Commissioners for examining the claims and titles to land in Pamunkey Neck and on the south side the Blackwater Swamp, in their several Courts have ordered surveys, and those surveys are not done, the surveyors do notwithstanding pursue the said orders, and return them wth. the surveys thereupon made to the Secretary's Office for Patents to be issued according to the same.

Resolved, that the Surveyor of Surry County, do, as ordered by the Commissioners, survey and lay out for Thomas Harrison and John Scott 1,700 acres, according to an entry made April 21, 1693.

Resolved, that the Courts appointed to examine the Claims and titles to and in Pamunkey Neck and on the South side Blackwater Swamp be henceforth discontinued.

Resolved, that it will conduce much to the advancement of H.M. interest and the good of this Colony that the lands in Pamunkey Neck and on the south side Blackwater Swamp be laid open, so as H.M. subjects may have liberty to take up and patent the same, and therefore that an humble Address be made to H.E. to give such liberty, when he shall think most convenient.

Mr. Robert Beverley's claims referred.

Bill ordered to be prepared for quieting the possessions of the several persons seated within the bounds of the land laid out for the Pamunkey Indians.

Resolved, that the Chickahominy Indians ought, after their land is laid out, actually to live upon the same.

Resolved, that Edward Jennings and the other persons wch. petition with him, by virtue of an order of Council, Oct., 1686, have a preferable right to all the land mentioned therein wch. shall not be included within the bounds of the land to be laid out for the Chickahominy Indians.

Resolved, that Edward Jennings, by virtue of a patent June 6, 1699, for 570 acres adjoining on the Lower Herring Creek in Pamunkey Neck, and 200 acres adjacent thereunto, hath a good right to both, and that therefore no patents be issued upon the surveys made by Benj. Arnold and John Hurt for any lands contained within the bounds of the aforesaid Patents. Whereas Mr. John Buckner doth petition for a patent for 6,160 acres in Pamunkey Neck within the bounds of a deed made by the Chickahominy Indians to Roger Mallory decd., Sept. 20, 1695, he having purchased the right wch. Roger, Tho. and Cha. Mallory, his sons, have in the same, and whereas Mr. Chicheley Corbin Thacker lays claim to part of the same, resolved that

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the land be divided into two equal parts, and that Mr. Buckner have choice of one, and that Mr. Thacker have the other.

Petition of Tho. Parker and Tho. Mcgehey, concerning lands in Pamunkey Neck leased by the Pamunkey Indians, rejected.

Petition of Edward Huckstep *etc.* rejected.

Petition of Edward Bell rejected.

Jno. Rand allowed 2,000*lb.* of tobacco for keeping the Council Chamber door. [*C.O.* 5, 1408. *pp.* 221-237.]

Sept. 4. **829.** Minutes of Council in Assembly of Virginia. Several petitions referred to the Burgesses.

Bill concerning the Militia, sent up, was read the first time.

Ordinance of Assembly, for settling the Bounds of Isle Wight, Surry and Charles City County, read the first time. [*C.O.* 5, 1409. *pp.* 480, 481.]

Sept. 4. **830.** Minutes of Council of Virginia. H.E. laid before the Council his letter of Sept. 3 to Lieut.-Governor Nanfan, enclosing the answer of Assembly to the Message from Council upon Lieut.-Governor Nanfan's letter. An account of the proceedings of H.E. and Council, concerning the security and defence of the country, embargos *etc.*, 3 May-Sept. 4, subjoined. [*C.O.* 5, 1409. *pp.* 355-371.]

Sept. 5. **831.** Mr. Hodges to the Council of Trade and Plantations. Applying for permission to inspect several papers *etc.* relating to the matter of his complaints and the Address of the Assembly of Barbados *etc.* *Signed*, Tho. Hodges. *Endorsed*, Recd. Read Sept. 9, 1701. 1 *p.* [*C.O.* 28, 6. *No.* 15.]

Sept. 5. **832.** Journal of House of Burgesses of Virginia. Letter to H.E. from Major Peter Field, concerning two strange Indians taken somewhere upon Swift Creek and brought hither prisoners, read. Committee appointed, at H.E.'s request, to hear the said Indians examined before H.E. and Council.

Bills, for dividing King and Queen County into two counties and for making St. John's parish a distinct county of itself: and to empower the sheriff that attends the General Court to summons jurors or evidences in any part of the City of Williamsburgh, brought in. H.E. and Council considering the whole country to be concerned in the affair of the abovementioned Indians, desired the advice of this House as to what is best to be done.

Report of the Committee appointed to inquire into the proceedings of the Committee appointed to inspect and oversee the building the Capitol. The proposals of Robert Snead, presented Aug. 21, concerning his undertaking to build the Capitol, were read and rejected.

Bill, to make it lawful to kill a negroman of Jno. Tullits, brought in and read a first time.

Bills, for dividing King and Queen County, for giving powers to the Sheriff *etc.*, and for better strengthening the frontiers, read a first time.

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Petitions of Dionysius Wright for allowances referred.

Allowances granted to members for attendance upon the Committees for Revisal of the Laws.

Sept. 6. Conference on the subject of the strange Indians proposed and agreed to.

Bill for quieting the possessions of several persons seated within the bounds of the land laid out for the Pamunkey Indians read a first time.

Bill for dividing King and Queen County read a second time and amended.

Bill giving powers to the Sheriff etc. read a second time.

Bill for apprehending an outlying negro read a second time and committed.

Bill for strengthening the frontiers read a second time and committed.

Ordinance of Assembly for settling the bounds of Isle Wight, Surry and Charles City County, returned from the Council agreed to. The Council proposed a conference on the Bill concerning the Militia; the Assembly resolved not to agree to it till the Bill was returned to their House.

Resolved that it is the opinion of the House that the two strange Indians, sent hither prisoners by Major Peter Field, are enemies to this Government, and that therefore they be transported to Barbadoes. This resolve was sent up.

Petition of Peter Rowlett, *etc.*, referred.

Mr. Samuel Thompson granted leave of absence. [*C.O.* 5, 1408. *pp.* 237-245.]

Sept. 5. **833.** Minutes of Council in Assembly of Virginia. *See preceding abstract.*

Sept. 6. Ordinance of Assembly for settling bounds read a second and third time, passed and sent down.

Ordered that an Instrument be drawn for the transportation of the two Indians.

Bill concerning the Militia committed for amendments. [*C.O.* 5, 1409. *pp.* 481-484; and 371.]

Sept. 5. **834.** Minutes of Council in Assembly of the Massachusetts Bay. Orders of the Assembly concurred with, that the towns of Topsfield and Boxford be heard next session as to their disputed boundaries, and that the several hearings appointed to be attended the present session be referred to next session.

And see Minutes of Council, Sept. 25.

A message was sent up from the Representatives desiring to understand the reasons of the dissent of the Board from their resolve to defer the sending an Agent to England till the next Session. They were acquainted that the same reasons remained as were at first for sending of an Agent.

Resolve of the Representatives sent up, desiring Mr. Increase Mather to take the care of and reside at ye College, read. Joint Committee appointed to go unto Mr. Samuel Willard, to whom the Court had made application. He declared his readiness to do

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the best service he could for the College, and that he would visit it once or twice every week, and continue there a night or two, and perform the service used to be done by former Presidents.

Sept. 6. Resolves of the Representatives, that it be left to the Council to order the reception of the Governor, and that 12*l*. be allowed to Dunstable towards the maintenance of their Minister, read and concurred with.

Resolve of the Representatives concerning Mr. Mather (*above*) read again and concurrence negatived.

Resolve passed and sent down to the Representatives that the Rev. Mr. Samuel Willard nominated for Vice-President of the Colledge (together with the Gentlemen named for the Corporation in the order of this Court) be desired to take the care and oversight of the College and students there according to the late establishment made by this Court, and to manage the affairs thereof as he has proposed, viz., to reside there for one or two days and nights in a week, and to perform prayers and expositions in the hall, and to bring forward the exercise of analysing. This Resolve was concurred with by the Representatives and signed.

Resolve of the Representatives sent up, that they insist upon their vote for deferring the sending an Agent to England, and that the Address and memorial to H.M. be sent to Mr. Secretary Vernon, with the desires of this Court that he will please to prefer them. Concurrence refused.

Resolve passed and sent down to the Representatives, that the Address and Memorial to H.M. be sent to Sir Henry Ashhurst, Bart., with the desires of this Court that he will please to prefer them and solicit the matters therein contained on behalf of this Province. The Representatives returned it with their non-concurrence. They were informed that the Board insisted on their resolve. The Representatives sent up a resolve, substituting the name of Constantine Phips for that of Sir H. Ashhurst, and adding that 100*l*. sterl. be paid him for his service as Agent. This was negatived. The Representatives insisted upon their last resolve.

Inasmuch as there was no prospect of a present agreement of the two Houses about the person to whom to send the Address, resolved that the sending thereof be deferred and the Court prorogued till Oct. 15. [*C.O.* 5, 788. *pp.* 313-317.]

Sept. 6. **835.** Minutes of Council of the Massachusetts Bay. Payments made to John Walley, Bartholomew Green, Printer, and Samuel Sewall, junr.

Elisha Hutchinson, Capt. of H.M. Castle on Castle Island, ordered to procure the necessaries enumerated in his memorial.

Order directing the manner of receiving H.M. Governor upon his arrival here, signed. [*C.O.* 5, 788. *pp.* 86, 87.]

Sept. 8. **836.** Lieut.-Governor Partridge to the Council of Trade and Plantations. Lord Bellomont was pleased to order the Secretary to transcribe and send him all Acts of Assembly and
 Portsmouth in New England.

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Minutes of Council. Since his death. I find myself obliged by H.M. Commission to continue the same. In obedience whereto I herewith send your Lordships all Acts of Assembly and Minutes of Council, March 7-Sept. 14, 1701. *Signed*. Wm. Partridge. *Addressed*. *Endorsed*, Recd Nov. 14. Read Dec. 2, 1701. $\frac{3}{4}$ p. *Enclosed*.

836. i. Memorandum of Acts of New Hampshire passed March 7, 170 $\frac{1}{2}$ -Aug. 14, 1701. $\frac{1}{4}$ p.

836. ii. Memorandum of Minutes of Council of New Hampshire March 7, 170 $\frac{1}{2}$ -Aug. 14, 1701. $\frac{1}{4}$ p. [C.O. 5, 862. Nos. 76, 76.i. ii.; and 5, 909. pp. 484, 485.]

Sept. 8.
St. John's.

837. Capt. Richards, Engineer, to the Hon. William Blathwayt. The want of proper materials, and this a country that can't supply any deficiency, putts us often on difficultys. Col. Romer's at worke at Boston, wth. different advantages, he wants no attendance, nor nothing but yt. halfe an hour can supply, and did not begin till they complyd with his demands. *Proposes* that the men-of-war should be ordered to assist. The gentlemen (*officers*) that are come over this year may want estates, and while the works last, I don't see how they can gett any honestly and without prejudice to the service *etc.* I send home to represent our wants, and endeavour to bring our materials by the first ships, according to a subscription of their own, a copy of which I send with this, and I hope you'll put such a helping hand that I mayn't want what is absolutely necessary, for I want to return from this dismal place. *Signed*, M. Richards. *Endorsed*, Recd Read Dec. 31, 1701. 2 pp. *Enclosed*,

837. i. Declaration of 29 Masters of Ships, that they are willing to transport such convenient stores for Capt. Richards, provided they be put on board in good time and at H.M. expense. 29 *signatures*. 2 pp. [C.O. 194, 2. Nos. 45, 45.i.; and 195, 3. pp. 23-26.]

Sept. 8.

838. Journal of Assembly of Bermuda. Information being given of great quantities of timber and lime-kiln-wood belonging to the King that has been illegally taken from off Brother Islands, Ordered that Benjamin Rivers and Daniell Morgan, tenants of the said Islands, do forthwith repaire to this Assembly to testifye the truth of their knowledge in the said matter, and likewise that Mr. William Bryan, who, as it is said, carried some of the said timber or wood, do likewise appear to testifye the truth of his knowledge in the said matter, and that Mr. Jeremiah Burch, one of the members of this House, do summons them accordingly.

Carried by two votes that retailers of wine, after nine months expired, shall not sell and retail wine at a greater price than 8d. per pint.

Sept. 9.

Act for Assigning Plantation Bonds to the parties suffering by breach of the condition, and an Additional Act for preventing Bastardy, both read, voted and passed and sent up.

Capt. Seymour ordered to attend the House. [C.O. 40, 2. p. 276.]

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 Sept. 8. **839.** Journal of Assembly of New York. An Act, for repealing an Act for defraying the public charge, and for appointing more effectual means therefore, was read a first time.
 Report of a Committee to draw heads of a Bill for regulating Elections read. Bill ordered to be brought in accordingly.
 The Governor's negotiation with the Five Nations was considered.
- Sept. 9. Ordered that the Governor be thanked for his care and trouble in the negotiation with the Indians.
 Committee appointed to consider of the Indians' demand concerning Mr. Livingston.
 Committee appointed to consider a paper communicated to the House by Johannes Cuyler of Albany.
 Ordered that Mrs. Gertrude van Cortlandt lay before the House to-morrow a particular account of the 538*l.* received by her late husband out of an additional duty appropriated for building a Fort.
 Bill for defraying the charges of Albany amended.
 Act for defraying the publick charge etc. read a second time and committed.
- Sept. 10. Act for regulating Elections read the first time and second time.
 Bill for defraying the public charge amended.
 Act to enable the City and County of Albany to defray their necessary charge read a third time, passed and sent up.
 Conference as to Mr. Livingston and the Indians proposed.
 Paper from Mrs. Gertrude Cortlandt, read, stating that she could not give any particular account of the 538*l.*, her papers having been seized, and her husband not having received 538*l.*, divers sums in arrear on that additional duty being refused to be paid her, owing to a Proclamation of the Government. The paper was referred to a Committee with powers to send for persons and papers.
 The paper of Johannis Cuyler was decided to be a seditious paper. Cuyler summoned to appear before the bar of the House on the 20th. [*C.O.* 5, 1184. *pp.* 1009-1111.]
- Sept. 8. **840.** Journal of House of Burgesses of Virginia. Orders given for the Committee to prepare an Address upon the case between this Government and New York.
 Bill for apprehending an outgoing negro read a second time with amendments.
 Bill ordered to be prepared for making several alterations in the Capitol according to the several resolutions of the House. Committee for this purpose instructed to consider of a suitable prison and to direct the model, and also to insert a clause giving power to the Committee, appointed to inspect and oversee the building the Capitol, to make use of what money shall be wanting for finishing the Capitol and for building the said prison.
 Bill for dividing King and Queen County read a third time and passed.

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Bill empowering the Sheriff, *etc.* read a third time and passed.
 Bill for quieting possessions, *etc.* read a second time and amended.

Bill for strengthening the frontiers read a second time and amended.

Ordered that a Committee examine Mr. Treasurer's accounts of the impositions upon liquors and upon servants.

Sept. 9.

Bill for quieting possessions, *etc.* read a third time and passed.
 Bill for apprehending an outlying negro read a third time and passed.

Bill for strengthening the frontiers read a third time and passed.

These bills were sent up.

Mr. Geo. Marrable, a Member, being accused of undecent carriage in faulting an entry made by Order of the House, ordered that he be in the Messenger's custody until he make humble acknowledgment.

Address to H.E. for laying open the Pamunkey Neck Land and the land on the South side Blackwater Swamp, so as the same may be taken up and patented, read and ordered to lie upon the table.

Mr. Marrable was brought in, and, failing to make such an acknowledgment as the House required, was remanded back into custody.

The thanks of the House and 10,000*lb.* of tobacco presented to the Speaker in acknowledgment of his services this session.

Mr. Marrable, having apologised, was discharged out of custody, paying fees.

Ordered that the allowances made this session be paid out of the Excise.

Book of reports of the Committee for public claims *etc.* sent up to the Council.

Sept. 10.

Petition of Orlando Jones, for an allowance at the rate of 25*l.* *per annum* for his service as Clerk to the Directors and Trustees of the City of Williamsburgh, ordered to be torn. Ordered that he be allowed 5*l.*

Bill giving further directions in building the Capitol and a public prison read a first time.

Bill concerning the Militia sent down with amendments.

Report upon the Treasurer's accounts ordered to lie upon the table. [*C.O.* 5, 1408. *pp.* 245-251.]

Sept. 8.

841. Minutes of Council in Assembly of Virginia. Bill for giving power to the Sheriff *etc.*, sent up, was read the first time. *And see preceding abstract.*

Sept. 9.

Amendments to the Bill concerning the Militia ordered to lie upon the table. *And see preceding abstract.*

Sept. 10.

Bills, for dividing King and Queen County, and giving power to the Sheriff *etc.* read the second time and committed for amendments.

Bills, for strengthening the frontiers, apprehending an outlying negro, and quieting possessions *etc.*, read the first time. *And see preceding abstract.* [*C.O.* 5, 1409. *pp.* 484-486; and 371, 372.]

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Sept. 9. **842.** Council of Trade and Plantations to the Lords Justices. Enclosing following. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Mat. Prior.

Sept. 9. **842. i.** H.M. Additional Instruction to Brigadier Selwyn. Whereas H.M. has been graciously pleased to direct several stores to be furnished by the Principal Officers of his Ordnance for the defence and security of Jamaica, and it being reasonable that the charge thereof and of the officers and artificers sent thither be borne by the inhabitants, for whose benefit they are sent, it is H.M. pleasure that you accordingly move the General Assembly that they take care to reimburse the Board of Ordnance for the stores and provide for the annual pay of the said officers and artificers, or, in case they neglect to do the same, that you suffer not any of the said stores to be delivered out but upon absolute necessity. *Signed*, Ja. Vernon. *Subscribed*, Sent in October. [*C.O.* 138, 10. *pp.* 295-298.]

Sept. 9. **843.** Journal of Council of Trade and Plantations. Letter from the Board of Ordnance, Sept. 4, read. Representation thereon drawn and signed.

Mr. Hodges presented a Memorial to the Board, and the Address of the Assembly of Barbados, Nov. 5, was communicated to him, and an extract delivered to him of some part thereof, which he desired. Ordered that the heads of matters contained in the Journals may be shewn him in order to such extracts or notes concerning the Court of Errors and the days of the Council's sitting, as he desires.

Capt. Gardner acquainted the Board that, not having been able to obtain any more money at the Pay Office for the subsistence of the soldiers at Bermuda than till Dec. next, he had applied to the Lords of the Treasury about it, and would continue to solicit the matter, and acquaint their Lordships with his success.

Sept. 10. Papers relating to the state of the Jerseys considered. Directions given for a Representation thereon.

Sept. 11. Further progress made in that matter. [*Board of Trade*. Journal, 14. *pp.* 154-158.]

Sept. 9. **844.** Minutes of Council of Bermuda. Petition of Mr. Wells at the Ferry referred to the Assembly. [*C.O.* 40, 2. *p.* 43.]

Sept. 9. **845.** Minutes of Council of New York. Account of Thomas Weaver referred to a Committee. [*C.O.* 5, 1184. *p.* 585.]

Sept. 9. **846.** Minutes of Council in Assembly of New York. The Committee appointed Sept. 4 reported that it is their opinion that a Bill be prepared and laid before the House of Representatives for the applying a sum not exceeding ——— out of the 1,500l. raised for building a Fort at Onnondage, for the putting such part of the frontiers of the Province into an immediate posture of defence as the said House shall think fit, the said sum to be put into the hands of such Commissioners as the House of Representatives shall appoint, who shall account to the House, the money to be repaid when it shall be thought fit to proceed

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to the building of the Fort, for which sum the credit of the Assembly shall be engaged. Also that Gertrude Cortlandt be summoned before the Representatives and ordered by them to pay unto the Collector the 538*l.* raised by the Act for building the Fort at Onnondage within such time as the House shall think fit, or otherwise that the said House do order a Bill to be prepared and laid before them for the effectual enforcing the speedy payment thereof as aforesaid.

The Governor produced a Bill for regulating the fences in Ulster County; a Bill for encouraging the City of New York, and a Bill for confirmation of a certain agreement made by Thomas Swartwont and Co. and Garrit Aertsen and Co., which had been sent up and were read a first time. [*C.O.* 5, 1184. *pp.* 870-872.]

Sept. 10. **847.** Journal of Assembly of Bermuda. Ordered that Mr. John Kidgell, Clerk of the Assembly, be taken into custody of the Marshal and be imprisoned for three months without bail, for behaving himself contemptuously towards H.E., unless it shall please H.E. to discharge him sooner.

Ordered that the trenches about these Islands, where needfull, be opened, cleansed and repaired, and that all the inhabitants by themselves or sufficient servants be ready to work at the same at such day and times as by order of H.E. in Council shall be appointed, and that this order be published in the respective parish churches to the end that none may pretend ignorance.

Sept. 11. An Act for explanation and amendment of the Act for settling fees was presented to the House, and at the same time an answer to Mr. Tho. Brook's reasons against the passing of the said Act, and also an Order about the Trenches where needful.

Sept. 12. The House adjourned for four weeks. [*C.O.* 40, 2. *p.* 277.]

Sept. 10. **848.** Minutes of Council and Assembly of New Hampshire. Adjourned till to-morrow, there not being a full Council.

Sept. 11. Vote sent up that all actions above 40*s.* shall first be brought at the Inferior Court of Common Pleas, and that either party shall have liberty to review said action once and no more, and an Appeal be allowed to the Superior Court, and a Review to be allowed at that Court once and no more; and if the true value of the thing sued for, be above the value of 100*l. sterl.*, then either party shall have an appeal to the Governor and Council, was read and passed.

Vote that all grants of lands, heretofore made either by the town or select men of the several towns, shall stand good and valid to the grantee, his heirs etc., sent up. [*C.O.* 5, 789. *pp.* 265-267.]

Sept. 11. **849.** Minutes of Council of New York. Ordered that summons be sent to the High Sheriffs to summons the Justices of the Peace who have neglected to send a list of the male inhabitants within their respective districts, together with the quota outstanding of the 1,000*l.* and of the 2,000*l.* tax allotted to their county, notwithstanding two several directions to them from this Board. [*C.O.* 5, 1184. *pp.* 585, 586.]

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- Sept. 11. **850.** Minutes of Council in Assembly of New York. Bill for enabling the City and County of New York to defray their necessary charge, sent up.

Joint Committee appointed to confer upon that part of the Conference the Governor had with the Five Nations relating to the Indians desiring Mr. Livingston may be sent for England.

Bills sent up Sept. 9 read the second time and committed. [*C.O.* 5, 1184. p. 872.]

- Sept. 11. **851.** Journal of Assembly of New York. Act for mending the Roads in Ulster County read the first and second times.

Act to enforce owners of unimproved lands to pay quit-rents etc. read the first and second times and committed.

Act for destroying wolves etc. read the first and second times.

Act for granting certain counties equal privileges with others read the first and second times.

Act for regulating Elections read the third time, passed and sent up.

- Sept. 12. Act to oblige Robert Livingstone to account read the first time. Ordered that the Commissioners of Accounts do fill up the blanks in the said Bill of the sums they can charge him with, and that he have notice of it.

Acts for mending roads, defraying charges and for allowances to the Representatives read a third time, passed and sent up.

And see Minutes of Council in Assembly Sept. 13.

Proposal of Mr. Weaver, for amendment of Excise Bill, to prevent fraud, read and committed.

- Sept. 13. Bill to enforce owners of unimproved lands, etc. amended, read a third time, passed, and sent up.

Act for granting equal privileges to certain counties read a third time, passed, and sent up.

Act for mending roads read a third time, passed and sent up.

Act for preventing the vexations or oppressions that are or may be occasioned by arrests of judgments etc. and other oppressive proceedings of Law in the Supreme Court of Judicature, read the first time.

Col. Willet, John Tallmon and William Willet, new Members, having been sworn, presented a paper which they desired the House to read and give them reasonable satisfaction thereon, before they could sit and act with the House. *Printed.* [*C.O.* 5, 1184. pp. 1011-1014.]

- Sept. 11. **852.** Journal of House of Burgesses of Virginia. Mr. Mason granted leave of absence.

Bill giving further directions in building the Capitol read a second time.

Address to H.M. upon the case between this Government and New York read and ordered to lie upon the table.

Mr. Treasurer's accounts considered and exception taken to one item.

Letters from the Council of Trade and Plantations, Jan. 4, 1699, and Aug. 21, 1700, sent down by H.E., were read. The

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following proposition was also sent down and read :—Whereas several disputes have heretofore and daily do arise, what shall be accounted a charge to be laid upon and paid by the public and what is to be paid expressly out of and by H.M. Revenue, for prevention thereof for the future, it is proposed that a law be made what shall be accounted a Country charge and what shall be paid out of the King's Revenue. Consideration thereof referred.

Act for dividing King and Queen County sent down with amendments, which were agreed to, was sent up.

Act for giving power to the Sheriff, *etc.*, sent down with amendments, which were agreed to, was sent up.

Some of the Council's amendments to the Bill concerning the Militia were agreed to, others disagreed to. Conference upon the latter proposed and agreed to. Treasurer's balance reported as 1,184*l.* 19*s.* 9*d.*

Sept. 12. Act giving further directions for building the Capitol was read a third time and passed with amendment.

Law as suggested in the proposition above, ordered to be prepared.

Address to H.E. about the Pamunkey Neck lands amended and agreed to. Ordered that the Council be desired to join with this House in presenting it to H.E.

Bills for dividing King and Queen County; and for giving power to the Sheriff, *etc.*, and for apprehending an outlying negro, sent down, agreed to by the Council.

Bill for strengthening the frontiers was sent down with amendments and a new clause to be added, which were agreed to with a small alteration. The Bill was sent up and returned with the Council's agreement. The Bill was accordingly amended and sent up.

At the Conference, the Council agreed in some parts with the view of the House as to the amendments to the Bill concerning the Militia.

Sept. 13. The Address about the lands of Pamunkey Neck sent up, and the Council was desired to join with the House in presenting it to H.E.

Address to H.M. upon the case between this Government and New York ordered to be enlarged so as to contain all necessary clauses for H.M. information. Some amendments ordered to be inserted.

Bill for strengthening the frontiers returned from the Council agreed to. [*C.O.* 5, 1408. *pp.* 251–259.]

Sept. 11. 853. Minutes of Council in Assembly of Virginia. *See preceding abstract.*

Bill for dividing King and Queen County read the third time with amendments and sent down.

Bill for strengthening the frontiers read a second time and committed for amendments.

Bill for apprehending an outlying negro read a second time.

Sept. 12. *See preceding abstract.*

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Bill for strengthening the frontiers read the third time with amendments and sent down.

Bill for apprehending an outlying negro read the third time and sent down.

Bill for quieting the possession of persons seated on Indian lands in Pamunkey Neck read a second time.

Sept. 13. Address to H.E. ordered to lie upon the table.

See preceding abstract. [C.O. 5, 1409. pp. 486-490; and pp. 372-374.]

Sept. 12. **854.** Minutes of Council and Assembly of New Hampshire. Bill for regulating trials in civil causes sent up.

Vote about grants of lands (Sept. 11) passed, and bill ordered to be prepared accordingly.

Petition of the Selectmen of Exeter, relating to their town bounds, read.

Petition of several inhabitants of Exeter, that they may continue to belong to the said Town, and not to be joined to any other town, read. Order upon petition.

Bill to prevent contention and controversies that may arise concerning the bounds of the respective towns within this Province, read three times, passed and sent down.

Vote for raising 550*l.* for defraying the Province engagements, and laying before H.M. the great grievances of this Province, was sent up, read and passed. Ordered that a Bill be read accordingly.

Sept. 13. The above Bill was read three times, and ordered to be engrossed.

Bill for confirmation of Town grants was read three times and passed by the Council and ordered to be engrossed.

These Bills, and the Act to prevent controversies regarding town-bounds, being passed, received H.E.'s consent.

The Assembly was prorogued till Oct. 2. [C.O. 5, 789. pp. 269-275.]

Sept. 13. **855.** Mr. Morris to Mr. Popple. Among the Proprietors' Propositions, I thinke there is but five articles yt. can admit of any dispute, Nos. 4, 7, 8, 9, 13. They think they have an indisputable right to ye Government, as well as to the soil of those Provinces. The Government has been very chargeable to them, and is a feather they are very willing to part with, but they will rather chuse to stand a tryal in Westminster Hall, or apply themselves to ye House of Commons than they will make a surrender even of that same chargeable feather, if their properties and civil rights cannot be well assured to them, and though their Lordships and yourself has promis't them that there shall be no invasion of them, yet they think they shall be great sufferers, if those Articles are not (if not absolutely, yet) in some measure complied with. As for the 7th Article: if those two Provinces be anex't to any other, before they can adjust their matters in them, and fix their titles both to their own land, and to the persons they have made grants to, they think it will be

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much to their damage, and even if that Article is gra^[nted], they cannot so well adjust those things, if they have not ye [13th ?] complied with, and Col. Hamilton for their Governor. Their affairs at present are very unsettled, and it's morally impossible they can fix them, otherwise then to their great losse, if they have not somebody that's well acquaint^[ted] with the intricacy of them, and that nobody in the world is [[?] but] Col. Hamilton. Since they are going to put themselves on the level with their people, it will be no small advantage to them that the people think they have interest enough to recommend a Governor, and it will make them cautious of invading their properties, which they are very prone to do (*Art. 2*). *Art. 4* they think is absolutely necessary, and they believe they have a judgment of Court for it, but they are not desirous of having Ports under greater advantages then their neighbours enjoy. They will acquiesce in such reasonable measures as their Lordships shall please to take. The choice of the Council in *Art. 9* they leave to H.M., but they would have them chose equally out of both Provinces, least in the first Assembly one Province may have an advantage over the other, and make some Act of Assembly to keep the disparity for ever. *Art. 8* is the limiting the number of Assembly men, and their qualifications. Their Lordships may alter the number if they think fit. The Proprietors judges that number the fittest, and as to their qualifications, it's only modally different from ye House of Commons. The Proprietors and several persons in that country have large tracts of land, and if everybody were admitted (though of never so little worth) to be Lawmakers, those persons of best estate in ye countrie, and ye Proprietors' interests, would be at ye disposal of ye tag, rag and rascallity. The present circumstances of things in that country requires that there be something speedily done, and if there was an order sent commanding an obedience to Col. Hamilton till matters was adjusted (which I fear will take up some time), it might hinder the spilling abundance of humane blood. Signed, L. Morris. *Endorsed*, Recd. 15th. Read Sept. 16, 1701. *Edges torn. 2 pp. Enclosed*,

855. i. Memorial of the greatest part of the Proprietors of East and West Jersie to the Council of Trade and Plantations. We are humbly of opinion that the right to the Government of the Provinces of East and West Jersie is lodged in us. And as we are willing to part with this right and put those governments under H.M. more immediate administrac^{on}, and to that end have presented our humble memorial to the Lords Justices, with our conditions, wch. we presume are no other than such as will secure to us our civil rights and to the inhabitants such privileges as is necessary, and which we humbly hope you will advise H.M. to grant, and more especially the 13th Article of the said Memorial, without which we think our properties cannot well be secured, or we safe in making a surrender, We do therefore most humbly pray that Col. Andrew

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Hamilton, in whom we have an entire confidence that he will put in execution ye Acts of Navigation and sedulously act on behalf of H.M., may be Governor of that Province, he having during his past administration behaved himself as became a good man. This is not only the desire of by far the major part of the Proprietors here in England, but of all ye Proprietors in America, and the whole Province of West Jersie, and of $\frac{5}{6}$ ths of East, and it is oposed by none but Mr. Dockwra and a small number of the meaner sort, who sides with one Bowne, who we can by no means admit to be Governor, unless we design to have our interest in that country totally ruin'd. *Signed*, L. Morris, on behalf of the Proprietors residing in East Jersey; Joseph Ormston, for Edward Anthill, Charles Ormston, and self; Gilbert Molleson, Tho. Lane, Paul Docminique, E. Richier, Fran. Minshull, Michael Watts, for all the Proprietors of West Jersie. 3 pp.

855. ii. Copy of Protest of the Council to the Proprietors of East New Jersey. Perth Amboy, June 18, 1701. As we are not a little surprised to hear of a Commission arrived for Capt. Bowne to be Governor, to teare open again the wounds of the Province that were almost clos'd up, so receiving information that the only use intended to be made of this Commission was to supersede Col. Hamilton, and then to throw up the other, and thereby to lodge the Government in the people, when all your powers in the Province were dismist, for this reason and the other reasons assigned in our Proclamation, we were of council to Col. Hamilton not to surrender the Government, to prevent the trick intended upon you, and as we have been informed, so several of ourselves have been eare-witnesses to the truth of what was said, for no sooner had he published his Commission but the heads of his partie told some of us that they did not value Capt. Bownes' Commission of a farthing, and that it answered their intention if it supersed Col. Hamilton's. We have cause to suppose you have been deceived by some insinuations of Salter, yt. you have made so false a step, which may prove of very dangerous consequence to your own interests, as well as to ye inhabitants. It is very strange to us that you suffer yourselves to be thus influenced by such sort of people. We intreat you put the dispute betwixt the King and you as to matters of Government to an end, that ye convulsions of ye Province may cease. If there be an appearance of wars abroad, it's high time there were peace at home. *Signed*, Samll. Hale, Benj. Griffiths, Wm. Sandford, Samuel Leonard, Wm. Pinhorne, Samll. Dennis, John Bishop. 1½ pp.
855. iii. Persons recommended by the majority of the Proprietors of East and West Jersie to be of the Council

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in New Jersie ; Lewis Morris, William Pinhorne, William Sandford, Samuel Leonard, John Johnstone, Anthony Pintard, Edward Earle, Samuel Dennis, of Woodbridge, Miles Forster. (These are persons of the best estates in East Jersie.) Quaker Samuel Jennings, Edward Hunlock, George Deacon, Daniell Leeds, Peter Fretwell Thomas Gardner, Thomas Revell, Francis Davenport. (These are persons of ye best estates in West Jersie.) 1½ pp. [C.O. 5, 1261. Nos. 21, 21. i.-iii. ; and 5, 1289. pp. 206-216.]

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Barbados.

856. Governor Lord Grey to the Council of Trade and Plantations. I enclose a true state of our Militia here, horse and foot, as they appeared when I reviewed them last. I have another account delivered me by the several Colonels, which exceeds the number of men, but they not having arms were not brought into the field.

The Council and Assembly have desired me to join with them by way of petition to H.M. for a supply of what arms, etc. we shall have occasion for in case of a war, which I shall speedily send you, and also a state of the several forts, and what ordnance are wanting, with an account of their true bearings. I have some time since directed the Surveyor General to prepare the same, and had hopes he would have accomplished it ere this, but it is a matter of some difficulty, and requires both time and charge, neither of which shall ever be wanting on my part, where H.M. service requires. We have lately passed a short Act for our Militia to meet once a month, whereas before they met but once in two months. I hope your Lordships will not forget the two last years' presents made me by the country were never laid before H.M. by reason there were many complaints made against me, which I hope I have effectually answered, and that they appear to you to be false and malicious. I must intreat your Lordships' favour herein, that as others have been sent hither to improve their fortunes, so I may not come thus far to ruine my own. Your Lordships may easily judge whether the King's allowance will maintain a publick table here, when beef and mutton has been all this year at 12d. a pound, veal 15d., turkeys and capons at 21d. a pound, with all other things in proportion, and the expences of my stable are intolerable, for all manner of horse-grain are at 8s. 3d. a bushell. *Signed, R. Grey. Endorsed, Reed. 6th. Read Nov. 13, 1701. 2½ pp. Enclosed,*

856. i. List of Militia, horse and foot, of Barbados. Totals, 2,568 foot, 747 horse. 1 p. [C.O. 28, 6. Nos. 16, 16.i. ; and 29, 7. pp. 439-441.]

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857. Minutes of Council in Assembly of New York. Bills for the destroying of wolves in Ulster and Westchester Counties ; for the more regular proceedings in the election of Representatives ; for allowance to the Representatives ; for repealing an Act intituled an Act for defraying the public charge ; for mainteining the poor and preventing vagabonds ; and for the appointing a

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more effectual means for defraying the public and necessary charge in each city and county, sent up and read a first time.

Thomas Willett, John Tallmon and William Willett were sworn Members.

The Joint Committee, appointed Sept. 11, reported that they sent to acquaint Mr. Livingston that they were proceeding on matters relating to his managing of the Treaties of the Five Nations, and that he might be present, if he thought fit. He came and was acquainted that on perusal of those parts of the propositions made to the Governor by the Five Nations, the Representatives had been inclined to believe that the Indians either by him or by some other employed by him, or with his privity had been prevailed on and influenced to express a desire that he should be sent to solicit their affairs in England, and was asked if he thought it not proper for him to take a voluntary oath, in order to clear himself from censure therein. He answered that he thought it not worth his while to do the same. Thereupon the Committee unanimously agreed that the matter ought to be specially reported to the Representatives. [C.O. 5, 1184. pp. 872-874.]

Sept. 15. **858.** Journal of Assembly of New York. The House met and adjourned.

Sept. 16. The House presented their Addresses to the Lieut.-Governor. See *Minutes of Council in Assembly under date.*

Mr. Weaver's amendment to the Excise Bill agreed to.

Upon the petition of several freeholders in New York, leave granted to bring in a Bill to prevent litigious and vexatious suits on all titles of lands and houses to the persons in possession, etc.

The Committee upon the Paper of Thomas Willet, John Tallmon and William Willet (Sept. 13) reported that the paper was written in barbarous English and dictated by some enemy of the Peace of this Government, who took advantage of their simplicity to raise disturbances, and moved that the House send their summons commanding said persons to appear to discover the adviser and contriver thereof. Ordered accordingly and that the three Members attend, with notice that if they or either of them will discover who advised the said paper, and will ask pardon of the House, for the manifest breach of its privileges, he or they discovering and asking pardon, shall be forgiven by the House.

Sept. 17. The Commissioners of Accounts presented an account of the sums they could charge Mr. Livingstone with. Read and ordered to be inserted in the Bill, which was read a second time and committed. *Printed.* [C.O. 5, 1184. pp. 1014-1016.]

Sept. 15. **859.** Journal of House of Burgesses of Virginia. H.E.'s 18th and 19th proposition considered. Resolved that the Acts laying impositions upon liquors, servants and slaves be continued 1½ years longer, and that a Bill be prepared accordingly.

Resolved that the 10*l.* paid to Mr. John Walker of King and Queen County is no country charge, nor is the rent for the Council Chamber.

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Resolved that the claims of Capt. Moore and Capt. George Waffe are no Country charges, and that they have nothing given them for their claims.

Resolved that the claim of Mr. George Horsworthy is no Country charge.

Resolved that the 60*l.* paid for taking up the three pirates who escaped is no Country charge, nor the 10*l.* paid to James Darbyshire for their handcuffs, nor other expences connected with them.

Ordered that an Address to H.E. be prepared signifying the several resolutions of this House upon H.E.'s speeches and messages this session.

Bill for continuing the impositions on liquors and servants and slaves until Dec. 25, 1703, read a first time.

Mr. Applegate granted leave of absence.

Petition of Orlando Jones, praying an encouragement may be given to young men who are willing to go out upon a discovery to the westward, rejected.

Petition of Charles Evans, for an allowance to encourage his attendance upon Assemblys as an underwriter, rejected.

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283*l.* paid to proprietors of land taken up for the City of Williamsburgh.

Address to H.E. agreed upon. *Given at length : a resumé of resolutions upon matters submitted by his Excellency.*

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Bill continuing impositions *etc.*, read a second time and amended.

Clause added to the Address to H.E., leaving it to him with the advice of the Council, till next Session of Assembly, upon any emergency, to levy competent forces for the defence and security of this Colony, to be paid by the public, trusting to his goodness and wisdom to disband the same again as the cause of danger ceases.

The House attending presented their address to H.E., who presented Mr Speaker with an English Gazette, which gave an account of the happy conclusion between the King and his Parliament, and hoped this Session would end so.

Ordered that a copy of the resolve of this House upon a proposal from H.E. and the Council to make a law for distinguishing what shall be accounted a country charge and what shall be paid out of the King's Revenue, be sent to H.E. and Council.

Address to H.M. upon the case between this Government and New York amended and ordered to be presented.

Address to H.E. for laying open the Pamunkey Neck lands, which the Council agreed to join in presenting, ordered to be prepared.

Message from H.E. and Council, with papers annexed, read :— Capt. Passenger, H.M.S. *Shoreham*, informing H.E. that he would be ready to sail for England the middle of next month ; and Capt. William Durley, H.M.S. *Lincoln*, that he would be ready to convoy home in about three weeks, and Capt. James Moody, H.M.S. *Southampton*, that there is a small vessel coming to Maryland to relieve Capt. Code, so that he also is to return to

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England, and Capt. Moody verily believing that open war is by this time proclaimed, H.E. and Council desire the opinion of the Burgesses, (1) whether it will be for H.M. service and the interest of this Colony that these 3 vessels go in one fleet, (2) whether it may not be proper to lay an embargo upon all ships outward bound to stay and take convoy under them. Capt. Moody was heard. Resolved that H.M.S. *Shoreham* and *Lincoln* go in one fleet, and that an embargo be laid as proposed. The Council concurred, and resolved that an Order be drawn to stop ships bound for England till Oct. 15.

Resolved, that an humble Address be drawn representing to H.M. that Mr. William Byrd, junior, is appointed Agent for this Colony. [C.O. 5, 1408. pp. 259-270.]

- Sept. 15. **860.** Minutes of Council in Assembly of Virginia. Adjourned.
 Sept. 16. *See preceding abstract.*
 Sept. 17. *See preceding abstract.* [C.O. 5, 1409. pp. 490-497; and pp. 375-381.]

- Sept. 16. **861.** Journal of Council of Trade and Plantations. Letter from Capt. Eltrington, July 18, with inclosures, read.

Petition of John Wake *etc.* was presented to the Board by Mr. Wake's father, and read. He was told that the petition should be recommended to the Lord Cornbury, with directions to inquire into that matter and to transmit an account thereof to the Board.

Memorial from the Proprietors of East and West Jersey, and a letter from Mr. Morrice to the Secretary, ready. Draught of a Representation thereupon considered. [*Board of Trade*. Journal, 14. pp. 158-160.]

- Sept. 16. **862.** John Wake and owners of the *Elizabeth and Katherine* to the Council of Trade and Plantations. Said ship going from hence to New Yorke without a certificate was seized by the then Naval Officer in that Province and with him compounded for upon Wake's giving him a bond that the certificate should be produced in the Province within nine months, wch. he performed in three months, whereby the bond became void, and Wake passed to and fro with his ship unmolested, till Tho. Weaver (as it is supposed, on account of an old grudge) seized her, and altho' at the Court of Admiralty she was acquitted, he orders one of his emissaries to lay another information against her in the Supreme Court, wherewithal she is now detained contrary to Law, and to the great prejudice of ye concerned. Prays that Weaver and his accomplices may be removed from their employment and called home to answer for what they have done, and make Petitioners satisfaction for their loss of over 1,500*l.* *No signature or date.* Endorsed, Recd. Read Sept. 16, 1701. 1 p. [C.O. 5, 1046. No. 37; and 5, 1118. pp. 409, 410.]

- Sept. 16. **863.** Order of Lords Justices in Council. Approving of the Laws of Nevis recommended by the Council of Trade Sept 3, with the exception of the Act to encourage disbanded soldiers

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to remain in the Island. *Signed*, John Povey. *Endorsed*, Reed. Read Sept. 25, 1701. $1\frac{3}{4}$ pp. [*C.O.* 152, 4. No. 49; and 153, 7. pp. 233-235.]

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864. Order of Lords Justices in Council. Repealing the Law of Nevis, which the Council of Trade are of opinion shd. be repealed, Sept. 3. *Signed*, John Povey. *Endorsed*, Reed. Read Sept. 25, 1701. $1\frac{1}{4}$ pp. [*C.O.* 152, 4. No. 50; and 153, 7. pp. 235, 236.]

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865. Order of the Lords Justices in Council. Referring back to the Council of Trade and Plantations to consider further of the Act of Nevis to encourage the late disbanded soldiers to remain in the service of the Island, and to examine what proceedings have been had in the Leeward Islands relating to the said disbanded soldiers, their Excellencies having been informed that some indirect means have been used to deprive them from the liberty of returning home contrary to H.M. gracious intentions, and to report thereon. *Signed*, John Povey. *Endorsed*, Reed. Read Sept. 25, 1701. $\frac{3}{4}$ p. [*C.O.* 152, 4. No. 51; and 153, 7. p. 237.]

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866. Minutes of Council of New York. Mr. Leigh Atwood prayed that the bond given by Capt. John Wake, late Commander of the *Elizabeth and Katherine*, to produce a register for the said ship or to deliver her into this port, may be cancelled, in regard that the said ship is now in this port and under seizure. Ordered accordingly, provided security be first given to the Chief Justice in 2,000*l.* value, that the ship shall not depart this Province by the procurement or privity of Capt. Wake or any of the owners, without the licence of this Government, or that she shall be legally discharged. Security of Mr. Rip van Dam accepted.

The Chief Justice, having in pursuance of a writ of error to him for that purpose directed, brought the record and process of the suggestion in the said cause before the Governor and Council, ordered that the Appellant do assign and file his errors in this cause by Thursday next.

Petition of William Creed read. Ordered that the defendant Whitehead plead to the said errors on this day seavennight. [*C.O.* 5, 1184. pp. 586, 587.]

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867. Minutes of Council in Assembly of New York. Bills for settling and mending the highways and roads in Ulster County; to enforce the owners of unimproved lands in the Counties of Albany, Westchester, Richmond and Orange to pay their proportion of their quit-rents and taxes raised for the support of the Government and other County charge; and for granting unto the City and County of New York, King's County, Richmond County, County of Orange and County of Westchester equal privileges with the other cities and counties in this Province for the Probate of wills and granting letters of administration, sent up and read a first time.

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The Speaker, attended by the Representatives, presented to the Governor in Council two Addresses, which he read ; (1) Congratulating H.E. upon his prudence and wise management in the negotiations with the Five Nations, and humbly praying that "for the future no person may be employed to interpret the Conferences of the Five Nations but the sworn Interpreter, Lawrence Claessen, when he is to be had." Sept. 13, 1701. (2) We humbly beg leave to remonstrate that some persons disaffected to the peace of this Government have instigated and deluded the Five Nations to desire the going over of Mr. Robt. Livingston for England as their Agent. This House is of opinion that the said passages have been procured by Livingston or his agents, with his privity and consent, contrary to the duty and allegiance he owes to H.M. and the peace of this Government. We therefore humbly move your Honour to lay these our requests before H.M., that he would be graciously pleased to remove Livingston from the office of Secretary of the Indian Affairs, and that in the meantime he might be by your Honour suspended from the same until H.M.'s pleasure be known. Sept. 13, 1701. The Governor thanked them. [*C.O.* 5, 1184. *pp.* 874-878.]

Sept. 17. **868.** Minutes of Council of the Massachusetts Bay. H.M.S. *Arundel* being returned from her cruise, Capt. Josias Crowe was given the order of the Admiralty for his return to England, and ordered to prepare her accordingly.

Letter from the Honble. Joseph Dudley, appointed to be Governor, dated in London, July 22, directed to the Hon. William Stoughton, Lieut.-Governor, was opened and read, wherein was contained a bill of lading for 50 barrels of gunpowder shipt by Col. Dudley for H.M. service. Elisha Hutchinson, Commissioner for stores of war, was directed to receive and house the powder.

Licence granted to John Arnold and Co. to erect a windmill of timber on a piece of land hired of the town of Boston on Fort Hill, provided it be kept within a good fence to prevent danger to persons or cattle. [*C.O.* 5, 788. *pp.* 87, 88.]

[? Sept. 18.] **869.** Mr. Brenton to the Council of Trade and Plantations. Whereas the Government of Rhoad Island and Providence Plantations have appointed me their Agent, in order to procure a final determination of the matters in controversey between the said Colony and the Colony of Conecticott, who have likewise impowered Sir Henry Ashurst their Agent, and I having diverse times offered him to submit the cause to H.M. in Council or to the Courts in Westminster Hall, but he having refused, and whereas I have been advised by several letters from the Government of Rhoad Island that they have often acquainted the Government of Conecticott that they have appointed an Agent here, in order to obtain a determination of the controversy, and desired them in the meantime that H.M. subjects in the Narrogansett Country might not receive any molestation or disturbance from them, but they have had no regard thereunto, but have

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at diverse times, particularly in April, 1700, seized several of H.M. subjects in the Narragansett Country and carried them into Conecticott, where they left them prisoners, and inflicted upon them unreasonable and unjust fines. Likewise in Feb. last, they seized five men of the Town of Westerly in Narragansett Country and carried them away prisoners. I pray that your Lordships would be a means to put a stop to these unjust proceedings and to bring the matters in controversy to a final determination. *Signed*, Jahleel Brenton. *Endorsed*, Recd. Read Sept. 18, 1701. 1 p. [C.O. 5, 1261. No. 22; and 5, 1289. pp. 216-218.]

Sept. 18. **870.** Journal of Council of Trade and Plantations. Memorial from Mr. Brenton read.

Draught of Representation upon the Jersies considered. Secretary ordered to write to Sir Thomas Lane to desire of him a copy of the Duke of York's grant of the Province of West Jersey. And that he also write to Mr. Dockwra for the papers he mentioned the last time he was at the Board.

Sept. 19. Mr. Mead presented a Memorial, setting forth irregularities committed in Trade in the Leeward Islands, which was read.

Their Lordships considered the controversy between Rhode Island and Connecticut relating to the Government of the Narragansett Country. Ordered that Sir Edmund Andros be desired to attend on Tuesday. [*Board of Trade*. Journal, 14. pp. 160-162.]

Sept. 18. **871.** Minutes of Council of New York. Petition of Thomas Baxter, J.P., of West Chester, complaining of an assault made on him by Thomas Hunt, encouraged by John Hunt, J.P., read, and Baxter deposing on oath before the Council thereto, whereby it appears that he hath been most inhumanely and barbarously used by them, ordered that the High Sheriff take John and Thomas Hunt into custody and convey them before this Board, on Monday, and serve them with a copy of this petition, and to acquaint them to bring sufficient securities for their good behaviour.

The Governor produced a letter from Governor Nicholson, Sept. 3, 1701, relating to the proceedings of the General Assembly of Virginia towards raising of men for the defence of the frontiers of this Province in case of war, in obedience to H.M. letter of Jan. 19 last.

Robert Livingston took the oaths, *etc.* appointed as a Judge of the High Court of Chancery.

Ordered that a warrant issue to the Attorney General to prepare and draw a grant to Abraham de la Noy and his heirs for a piece of ground in the City of New York, between Stony Street and Bridge Street, bounded west by the House and grounds of De la Noy, east by Anthony Brockholes, south by Andries Gravenraedt, and north by Anna van Schayck. [C.O. 5, 1184. pp. 587-590.]

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- Sept. 18. **872.** Minutes of Council in Assembly of New York. John Johnson Bleeker, Hendrick Hansen and Andries Coryman were sworn Members for Albany City and County. [*C.O.* 5, 1184. p. 878.]

- Sept. 18. **873.** Journal of Assembly of New York. *See preceding abstract.*

Act for preventing vexations and oppressions *etc.* read the second time and committed.

Mr. Morgan granted leave of absence.

- Sept. 19. Act to oblige Mr. Livingstone *etc.* amended.

Address to H.M. ordered, expressing the loyalty of this House and laying before H.M. the designs of those, who misrepresent this House, and the proceedings thereof, and to thank his Majesty for his fatherly care of this Province, and particularly for sending over the Chief Justice and Attorney General.

Act to oblige Robert Livingstone to account read a third time, passed and sent up.

Ordered that the High Sheriff of Queen's County appear and give an account, whether he has received the summons to be served by him on Tho. Willet and John Tollman, and what he did with the same.

- Sept. 20. The Sheriff appearing said he had served the summons, and that John Tollman had answered that he did not suppose it was his duty to go to this House, thinking them not to be a House, but would go to Mr. Willet. After much delay they gave him a letter, which he had delivered, to Mr. Gabrel Ludlow. Resolved that Thomas Willet, John Tollman and William Willet are guilty of a notorious breach of the privileges of this House; that their paper and proceedings thereupon are seditious, and greatly tending to the disturbance of H.M. Government, and seem in favour of a foreign power; that they be expelled this House; that the Lieut.-Governor and Council be desired to direct the Attorney General to prosecute them and every of them, and that it be referred to a Committee of this House to draw up reasons for the same; that the Speaker issue his warrant for writs for new Representatives for Queen's County and Westchester in their room respectively. *Printed.* [*C.O.* 5, 1184. pp. 1016-1018.]

- Sept. 18. **874.** Journal of House of Burgesses of Virginia. The Council were invited to join in presenting the Address to H.M. representing the case between this Government and New York.

Address to H.M. as to the appointment of Mr. Bird as Agent agreed to. The Council were invited to join in presenting it.

- Sept. 19. Treasurer's account of the Impositions, Aug. 6, 1701, sworn to before H.E. and Council, was read and passed.

Treasurer's accounts of Impositions upon liquors, servants, and slaves sent up.

Act for continuing Impositions read a third time, passed and sent up together with the Bill directing the building of the Capitol.

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The Council requested to see the Instructions for the Agent which the Representatives referred to in their Address. They explained that, upon second consideration, they had included in the Address all necessary matter.

The proceedings of H.E. and Council concerning fortifications and the security of the country, sent down with a request for the opinion of the House thereupon. They were read.

Resolved, that it is the opinion of this House that this country is not of ability to build any fortifications, and that, if it were, the benefit would not countervail the charge.

H.E. pointed out that the House had not made any direct answer to his Proposition concerning an Address to be sent to H.M., that two engineers or firemasters be sent. Ordered that a copy of the resolve of this House upon H.E.'s fifth proposition be sent as an answer to H.E.'s message, and that he be acquainted that the subject matter thereof was not wilfully omitted in our Address.

Sept. 20. The House adjourned till the 22nd. [C.O. 5, 1408. pp. 271-275.]

Sept. 18. 875. Minutes of Council in Assembly of Virginia. Address to H.M. concerning New York, sent up, was read a first time. *And see preceding abstract.*

Sept. 19. *See preceding abstract.*

Bills, giving directions in building the Capitol, and continuing Impositions read a first time.

Sept. 20. Message sent to the Burgesses that their answer yesterday, that the country is not able to build fortifications etc., is not a full answer to the message of H.E. and Council, which requires the opinion of the House concerning a Naval Force, whether that is any security and defence to this country, as well as concerning land-fortifications. Nor is H.E.'s 5th proposition fully answered, for it was never intended that the Engineers should come in at the country's charge. [C.O. 5, 1409. pp. 498-502, and pp. 382-406.]

Sept. 19. 876. The reply of Thomas Hodges to the answer of the Governor and Council of Barbados, June 3, 1701. *The case is argued in great detail through 19½ closely written pp. The following is a brief abstract:—*(1) Since no Court can be held without the Governor, the neglect of the duty of that Court must proceed from him. (2) Several persons are ready to testify that the sickness, alledged to be for six months upon his arrival, was no more than has been for 7 years past. The Courts of Common Pleas sat Sept. 14 and 15, 1698. (3) The Governor should have sent depositions to prove his own indisposition, but he was often at feasts etc. The Journals of Council, Aug. 10, 1698-Jan. 25, 1699, show that he sat in Council 14 days. (4) and the Journals of Chancery that that Court has no vacation time. (5) Though the Courts of Law are silent from Sept. to the end of Jan., the Chancery ought to have been held in that time, that executions might have been taken out at the first sitting of the

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Courts of Common Pleas. (6) If sickness had been the real cause of delay, it might have been expected that the dispatch of business would have redoubled in time of health. (7) When the Court of Chancery did sit, multitudes of motions were adjourned from Court to Court. (8) If the sickness raged all April-July, 1700, the Lawyers certainly would not have attended April 24-26 at the Courts of Common Pleas, or a Proclamation been issued July 9 for a Thanksgiving for deliverance therefrom. (9) The Chancery did not sit monthly Aug.-March, 1700, for the Journals show there was no Court held in Dec. Though on March 20 last all causes ripe for hearing were determined, yet the reason why more were not ripe was that Court's former neglect. (10) Notwithstanding all the ripe causes (78) were determined, yet in Dec., 1700, there might have been several hundred causes ripe and unripe depending, nor does Mr. Chilton deny this. (11) The reason why Appeals are not more frequent is because the sums exceed not 500*l.*, and the Appellant obliged to give such security as the Governor shall please. *Other replies reiterating charges.* (12) It appears by the Journals of ye Chancery etc. that the assertion of the Council of Barbados, April 15, that the Chancery sate for some months together once a week, and that at such sittings every matter was dispatched, is notoriously false, etc., etc. *Endorsed, Recd. 19, Read Sept. 23, 1701. Signed, Tho. Hodges. Enclosed,*

876. i. Abstract of preceding with some marginal notes in confirmation (? by Mr. Popple). 9½ pp.

876. ii. E. Chilton to Tho. Hodges. June 5, 1700. *Copy. 1 p. [C.O. 28, 6. Nos. 17, 17.i., ii.; and (without abstract) 29, 7. pp. 381-434.]*

Sept. 19.
London.

877. William Meade to the Council of Trade and Plantations. Represents that as Deputy Commissioner of H.M. Customs in the Leeward Islands and Collector of Nevis, he seized a ship with wines of Maderas imported into Nevis from a foreign Plantation, which was acquitted for this reason, that the Maderas is in Africa and not Europe. This may in time to come be of great prejudice to H.M. Revenue and the Trade and Navigation of this Kingdom, unless the Law be otherwise adjudged or some Law made to prevent the same for the future.

H.M. Revenue is also much prejudiced and the Trade and Navigation of this Kingdom discouraged by the evil and pernicious practice used in the Plantations of importing negroes from foreign Plantations, which, tho' it be not provided against by any of the present Acts of Trade or that for Regulating the Trade to Africa, is of soe ill consequence in regard that where such importations are (*made*), payments must be made, which will put the Buyers on the necessity privatly to export sugar etc., which in some of the Islands will be difficult to prevent. *Signed, Wm. Meade. Endorsed, Recd. Read Sept. 19, 1701. 1 p. [C.O. 152, 4. No. 48; and 153, 7. pp. 231-233.]*

Sept. 20.
St. John's,
Newfoundland.

878. Capt. Powell to the Council of Trade and Plantations. I enclose the Muster Rolls for the time that I have served here.

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I believe the soldiers have had hard measure, the Agent not returning their last year's pay. They lie likewise under a great misfortune, by reason no medicines are sent over, for working daily among ye rocks in erecting ye South Battery, they are hourly subject to ye danger of being wounded, wch., tho' it be only a contusion and may not extend so far as ye breaking of a leg nor arm, yet for want of timely application of proper medicines and care taken, it may endanger ye aggrieved limb by putrefaction. Having had so little time here, I have not the experience of all hardships, but shall be able next year to give your Honours a particular account of our aggrievances. *Signed*, John Powell. *Addressed*, To the Rt. Hon. Commrs. for Trade at their offices at the Cockpitt near Whitehall. *Seal*. *Postmark*, Oc. 15. *Endorsed*, Recd. Oct. 15, Read 16, 1701. 1 p. *Enclosed*,

878. i. Muster Roll of Capt. Powell's Company of Foot. May 1-June 30, 1701. *Countersigned*, Jon. Graydon.
 878. ii. Enclosures sent with Muster Roll of Capt. Powell's Company, July 1-Aug., 1701. *Countersigned*, Jon. Graydon. *Endorsed*, Recd. Oct. 15, 1701. 1 p. [C.O. 194, 2. Nos. 47, 47.i, ii.; and (without enclosures) 195, 3, pp. 14, 15.]

Sept. 20. **879.** Capt. Graydon, Commodore of Newfoundland, to the Council of Trade and Plantations. Pursuant to an Order from the Admiralty, I have made an enquiry into the provisions and payment of subsistence to the foot-company in the Fort of St. Johns, and sent you the accounts, among which there is a letter from the Agent to the commanding officer, to credit the men for eight months' pay, supposing there would be enough found to reimburse him from provisions wch. he thought might be sold, also money in Mr. Huxford's hands, and what should be stopt from the two officers, in which he was mistaken, for no provisions were sold, and Mr. Huxford had in his hands but 36*l*. 7*s*. 8*d*., so that the Ensign was forced to credit the men to his utmost ability, and several of them have not yet recd. any money. Of the provisions sent this year, there was damaged in the *Hare* ketch 3,946*lb*. of bread, which was supplied out of the remains of the Fort and out of the *Rochester*. In 1699, H.M. Victuallers to the Navy, consigned the provisions that went to Newfoundland to the Commanding Officer, against whom no complaint can be made with expectation of redress, if the provisions be not issued out according to H.M. regulation, and the necessities of some lately sent over are such that I fear at the year's end there will be but a slender account given of them. Therefore I humbly conceive it might not be amiss to order them into the hands of some other person, and the fittest person I know is the second Lieut., Mr. Loyd, into whose hands I have left the remainder of the subsistence money. I enclose answers to Heads of enquiry. *Signed*, Jo. Graydon. *Endorsed*, Recd. 15 Read Oct. 16, 1701. 1½ pp. *Enclosed*,

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879. i. Account of Provisions and subsistence for the company and gunner in Newfoundland, Sept. 1, 1698–Sept. 1, 1699. *Signed*, W. Lilburne, Humph. Haven, Jon. Huxford. *Endorsed*, Reed. Oct. 15, 1701. $\frac{3}{4}$ p.
879. ii. Account of Provisions, as above, Sept. 1, 1699–Sept. 1, 1700. *Same signatures and endorsement.* $\frac{3}{4}$ p.
879. iii. Accounts of provisions issued, as above, Sept. 1, 1700–June 6, 1701. *Signed*, Hump. Haven, Jon. Huxford. 1 p. *Same endorsement.*
879. iv. Accounts of subsistence paid May 1–Aug. 31, 1701, and June 6–Aug. 31st, 1701. 1 p. *Same endorsement.*
879. v. Account of money received for the subsistence of the company of Foot at Newfoundland. 2 pp.
879. vi. Mr. John Huxford's Account of money sent to him 1698–1701. *Endorsed*, Reed. Oct. 15, 1701. 1 p.
879. vii. Muster-Roll of the Old Company of Foot at Newfoundland, Sept. 1, 1700–April 30, 1701. *Signed*, John Graydon, John Huxford, Humphry Haven. *Same endorsement.* 1 p.
879. viii. Muster Roll of Capt. Powell's Company, May 1–June 30, 1701. *Signed*, Jo. Graydon. *Same endorsement.* 1 p.
879. ix. Muster Roll of Capt. Powell's Company, July 1–Aug. 31, 1701. *Same signature and endorsement.* 1 p.
879. x. An account of Provisions in St. John's, Sept. 17, 1701. *Countersigned*, Jo. Graydon. 1 p.
879. xi. Mr. Thurston, Agent for the Forces, to Mr. Huxford. Whitehall, April 14, 1701. Relating to the supply of subsistence for the forces. *Signed*, J. Thurston. *Endorsed*, Reed. Oct. 15, 1701. 1 p.
879. xii. Commodore Graydon's answer to the heads of Enquiries sent to Mr. Burchet, March 13, 1701. The first 18 pp. consist of entries analysed below. *Answers* : (1) As to my distributing of Acts of Parliament to the most considerable inhabitants, there is not much occasion for it, for both the Traders and inhabitants observe the same where it lies with their interest ; if not they have no regard to it. (2) As to the Planters' way of living, it is unaccountable, for in summer they catch some fish, and in winter they spend their substance and time in drunkenness and debauchery. Upon the arrival of the first ships, wch. are generally from N. England, they are in such want that they give the most extravagant rates for provisions, so that if some care is not taken to prevent the New England men's ruining them, in two years more they will be all foret to run out of the country. (3) They use all the liberties granted them by the Act of Parliament, and take a great deal more in matters relating to Trade, as for rinding of trees, they have as little regard of that part of the Act as any other. (4) By a survey made this year, all the encroachments made by the inhabitants

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upon the liberties of fishing ships, since 1685, are corrected. (5) The Admirals of the Harbours are the only persons that bring By-boat keepers, who being the first people that arrive in the country, put them in possession of ship's rooms, under the notion of being freighters, wch. freighters take up money from the Admirals in England at 5s. in the pound, by wch. means they are made beggars also, and the ships coming in are fain to hire room for the making their fish. (6) The ships, by-boats, etc. and inhabitants employ more Greenmen than ye Act specifies. I can't learn that any boats or train-fatts have been defac'd this year or ye marks alter'd. (7) No complaint this year of any hindrance in hawling their saynes, or any bait taken out of their boats or nets. (8) No detriment done to ye stages *etc.* but what the weather does, wch. seldom fails of destroying ye major part of them in ye winter. (9) The Admirals, Commanders of ships *etc.*, do not observe ye rules prescribed by the Act of Parliament, but on the contrary, when they wheedle a poor Planter into debt, they either take his fish by force from him, or break open his house (to take it), if lockt. (10) As to the Admiral's keeping of Journals, *etc.*, I find but few of them capable of doing it, as the Act directs. (11) The Admirals, before Aug. 20, will hear some complaints, but after that none are made to them, they being generally the greatest egressors themselves. (12) No injury done this year by the throwing out of ballast. (13) The Lord's Day has been decently observed since my arrival, nor can it be expected it should be better, unless a penalty were inflicted by ye Act. (14) No aliens or strangers have been fishing in the land this year. (15) If the inhabitants did not cure their fish well, they must certainly starve, which they are not far from at present. (16) The stages of the ships, as well as the inhabitants, are built on ye water, and consequently their offal is washed away with the tide. (17) The chiefest sustenance that the Planters receive from the land is deer, bare and beaver; they have otter and seal which they and none but they could eat, but such people such stomachs. (18) The inhabitants have a great part of their provisions, salt, and all their necessities for fishing from Old England, nor can ye inhabitants, boat-keepers or others be supplied with any cloth, nets, tackle or any other necessities for fishing from N. England. (19) The vessels from N. England supply the inhabitants of Newfoundland with provisions, viz., bread, beef, pork, flower, pease, butter, boards and no small quantity of Virginia tobacco. In the fall of the year they send their fish away to the Western Islands, where they load wines for the West Indies, which they truck there for rum, mellosses

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(molasses), sugar and limejuice, which they carry to Newfoundland, and unless the Planter will take such a quantity of these liquors from them at their rates, they shall have no provisions, wch. occasions the Planters and their servants to be so extravagant, that it spoils their voyages and keeps them in perpetual vassalage and poverty. (20) European commodities, carried by the masters of English ships, are these; from France, brandy, wine, salt, linen, canvas, paper, hats and silks; from Spain, wine, brandy and iron in great quantities; from Portugal, wine, brandy, salt, oil, French linen and quantities of silks from the Levant, all which goods are sold or trucked with the traders from N. England for tobacco, sugar, and other enumerated commodities, wch. they carry to foreign parts, so that at the latter end of the year, ye masters are wholly taken up in the management of that trade, which might be prevented had the officers commanding H.M. ships power to seize such goods. (21) The New England traders seldom depart the country till the men-of-war are first sailed, and then they carry with them numbers of handicraftsmen, seamen and fishermen, which they inveigle thither by telling them what vast wages are given there, and leave not a shilling of coin behind them. (23) The quantities of fish taken by the inhabitants is not so great, nor can they sell their fish at so cheap a rate as the fishing ships, being they give extra prices for their provisions, salts and servants' wages, and their own negligence adds to their misery. (25) The price of fish from 17 to 14 rials per quintal by bill, in truck 20 rials. Oil from — per tun, sent all to Old England; the fish to Spain, Portugal and Italy. (26) The Masters of ships do not encourage their men to stay behind, yet they are careless of that matter, so that they save the charge of their passage back, all which men the New England Chinees pick up and carry with them, when the men-of-war are sailed. If the Masters of merchant-ships were required on oath to give an account of the men they carried out at their return home to England, or if the Masters of any vessel belonging to N. England that should carry any artificer, mariner or fisherman, without leave from ye Commander in Chief, should suffer a year's imprisonment, without bail or mainprize, both these faults would soon be remedied. (27) The New England men have no occasion to fish upon the coast of Newfoundland, having better upon their own, which sells for a dollar more in a quintal at Bilboa. This account might be much perfecter had the Commander in Chief an order to hire a sloop for the time of his stay in the country, by wch. means he might gain better intelligence, and take a survey of the several harbours and coves. As to these

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enquiries, the inhabitants, admirals, and New England men say they are made yearly, but nothing is redrest, therefore they don't value any enquiry that can be made relating to them, for they reckon it a thing of course and no more.

(1) The French trade in furs upon Newfoundland is very inconsiderable, and their fishery is managed all by ships; they bring neither sack-ships nor by-boats, as the English do. (2) They fish upon the Banks in Placentia Bay, and upon the N.E. coast of Newfoundland. Number upon the banks not known; in Placentia, 55. (3) Their Plantations don't encrease, nor are they of any other use than preserving the boats, etc. left by the merchant ships for the succeeding voyage. (4) In the winter they generally employ their time in hunting of deer, etc. and building of boats and making of oars for the summer's expedition. (5) They have the fish a month sooner in Placentia Bay, and make their fish with greater dispatch, and leave the country two months before ours have done fishing, and consequently may supply any market they please before us. (6) The French have no trade but with the Canada Indians, and that in no proportion of ours with New England. (7) At Placentia is the only place of strength they have in the country, which is dayly fortified, and well furnished with ammunition, and was supplied this year by a ship (load) of 60 guns. They have 3 companies of foot, with about 30 in each company.

French fishing upon the N.E. coast of Newfoundland.

(1) The French make greater advantages from Newfoundland than the English by having $\frac{3}{4}$ of the tract of land in their possession, and the best ports and harbours by far, and having the fish sooner and in greater quantities than any part we have, their territories reaching from Cape Frills, N., to Trespasses, S. (2) They send yearly a considerable number of ships to fish there, who arrive about June 10, and depart the latter end of August, as the *St. Lewis* of S. Malo, about 200 tons, who killed in that time with 16 boats 7,000 quintals of fish. (3) The ports they fish in are, Whego, an island 20 leagues N.W. of Cape Frills, room for 2 ships, who generally keep 8 boats apiece; Great Whego, another island about a league further to the N.W., room for 8 sail; Twillingate, 7 leagues from thence, room for four ships; Lasscase, 7 or 8 leagues thence, room for 7 ships; Cape John, a league from Lasscase, a small harbour; Pachett, an Island $2\frac{1}{2}$ leagues thence, room for 3 ships; a large harbour 12 leagues below White Bay, room for 40 ships; Fleur de Luce, 8 leagues N.N.E. of Pachett, a good harbour, room for 5 ships; Harbour Diep, 16 leagues N.N.E., room for 4 ships; Canaree, three leagues thence, room

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for two ships ; Pettit Master, N.W. 5 leagues, room for 3 ships ; from thence to Charles Straights 18 leagues. (4) They bring their boats from France in quarters, wch. are of the same size with the English. They allow six men to a boat, and leave the same in the country behind them. (5) Their fishermen never bait their boats themselves, but have boats that supply them twice a day on the ledges, where they fish, which the English do not. (5) They allow great quantities of bread to their men, fish, butter or oyle, and a piece of pork for every man on Sunday. (7) They keep a guard-boat in every harbour during the fishing season, to prevent the Indians of the country from plundering their boats in the night. (8) The Canada Indians come through Charles's Straights in canoes, 70 men in each, to the French ships fishing in these harbours, and truck furs wth. them for firearms and other things.—Great hatred between the Canada Indians and the Newfoundland Indians.—The Canada and N. England furs not so good as Newfoundland furs. (9) The French seldom furr to the N. ward of Cape Frills, nor the English to the N. ward of White Bay. *Endorsed*, Reed. Oct. 15, 1701. 28 $\frac{1}{2}$ pp.

879. xiii. Abstract of Commodore Graydon's Account of the Fishery of Newfoundland for 1701. Fishing ships, 75, = 7,991 tons, 2,000 men, 79,820 quintals of fish, 1,263 *hhds.* of train, 338 ships' boats, 46 sacks, 97 by-boats, 77 by-boatmen, 330 by-boat-servants, 558 Planters' Boats, 136,500 quintals made by the inhabitants and planters, 2,533 *hhds.* of train made by ditto, 554 stages. Fish carried to Market, 148,720, to England, 5,650 = 154,370. Inhabitants : men, 461, servants 2,698, women, 166, children, 250. 1 *large p.* [*C.O.* 194, 2. *Nos.* 46, 46.i.-xiii. ; and (*without enclosures*) 195, 2. pp. 467-471 ; and (*enclosures* xii. and xiii. only) 195, 3. pp. 1-14.]

Sept. 22. 880. Minutes of Council of New York. Petition of Robt. Livingston read.

The Governor produced the Journal kept by Capt. John Bleeker and David Schuyler of their expedition to Onnondage, which was read and approved of.

Ordered that Gertrude, the widow and executrix of Col. Stephen Cortlandt, be at liberty to receive all such moneys as were outstanding at the time of the death of her husband for Customs due to H.M. by any Act of Assembly, any former order of Council, Proclamation, etc., to the contrary notwithstanding.

Petition of Mathias Mott read. Ordered that he produce a copy of the record mentioned in the petition, before any order be made thereon.

The High Sheriff of West Chester having returned to this Board that, in pursuance of an Order of 18th inst, he hath made

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diligent search after John and Thomas Hunt, and is credibly informed that they have fled on purpose to avoyd being taken by the said High Sheriff, ordered that the Attorney General draw a Proclamation for the more effectual seizing them if found or heard of in any part of this Province, that they may be prosecuted according to law. That it be inserted in the Proclamation that the neighbouring Colonies be desired to assist in the premisses.

Ordered that John Hunt be displaced from his office of J.P. [*C.O.* 5, 1184. *pp.* 590, 591.]

Sept. 22. **881.** Minutes of Council in Assembly of New York. Bills for encouraging the City of New York; repealing the Act for defraying the public charge; appointing a more effectual means for the same; enforcing owners of unimproved lands to pay quit-rents; for the more regular proceeding in Elections; for mending roads in Ulster; for allowance to the Representatives; and for destroying wolves, were read a second time and committed.

Act to oblige Robert Livingston to account according to the purport of the Act for enabling Commissioners to state the public accounts, sent up and read a first time. [*C.O.* 5, 1184. *pp.* 878, 879.]

Sept. 22. **882.** Journal of House of Burgesses of Virginia. H.E. summoned the House to attend him and addressed them and gave them a paper of propositions, together with a list of the Militia, a list of every fifth man, lately returned by H.E.'s Order, and an account of arms and ammunition in each county. H.E. after thanking them for their good opinion of him, recommended them to raise moneys for the buying of arms and ammunition, to be lodged in the most convenient places on the frontier, and not to be made use of but upon an invasion or insurrection. For every 1,500*l.* they should raise, he promised to give 100*l.*, and to lend them 700*l.* or 800*l.* without interest if they could not raise it speedily, for after the men-of-war sailed there would be little opportunity of sending thither till the spring. "We hear from England, perticularly by Capt. James Moody, 'tis probable that before this H.M. hath declared war against France and Spain, and then 'tis very probable we may be attacked by them, chiefly by the French, both upon our sea and land frontiers. I hope in God you believe that what I now speak to you cannot be for my own private advantage or that I am over positive in my owne opinion. I look upon myself obliged in duty both to God, His Majesty and the inhabitants of this country to venture my life and fortune in the defence of our most holy religion, and H.M. interest and service, more especially in this H.M. most antient and great Colony and Dominion of Virginia, and for the safety, welfare and prosperity thereof in general (for which I have such an exceeding great love and affection) and for the natives thereof in particular, but principally for one of them."

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H.E. proposed that the pay of soldiers, whom he was impowered to levy on emergency, be ascertained by a Law. He found the Militia in part not armed or equipped for war, neither their guns nor swords fit for action, "and if this country be invaded by 1,000 French, I am afraid I shall not be able to raise a like number to attack them with a suitable reserve well provided with arms and ammunition proper for such an occasion to be ready to march against them in less than 12 or 14 days. In which time it is to be feared they will do considerable damage and perhaps enfort or entrench themselves. And before I can raise these men to oppose them, I must be forced to have all the Militia of the adjacent counties meet together to draw out those men to march against them. And to render it yet more difficult, by the fourth Act of Assembly, 1684, it is provided that no man's arms or ammunition be impressed from him, by which means, if I want to detach 100 men, if they are not completely armed themselves, I am disabled from arming them from among the rest. And therefore, in order to the making of that power and trust you have to me given more effectual, I propose that a clause be added appointing some proper way to buy up whatsoever arms and ammunition is at present in the hands of the merchants, and that a muster-master be appointed in each neck to exercise the men and see that their arms be well fixed and themselves furnished with ammunition, and thereof to me to render an account from time to time. Also that in the same Law I may be impowered to advise in Council to impress all such arms and ammunition as I shall have occasion to make use of, and that shall at those times be found in the country, to be paid for by the public, and after the service is over for which they were impressed shall, if then in being and not seized by the enemy, be put into some Magazine for the country's service.

Sept. 23.

Resolved that an Address of Thanks be made to H.E. for the great zeal he has expressed for the prosperity and defence of this Dominion.

Resolved that it is the opinion of this House that sufficient arms and ammunition may be had within this Country for the defence thereof, and therefore not necessary to raise a fund for providing a publick stock of arms and ammunition.

Bill ordered to be prepared for ascertaining the soldiers' pay, which may happen to be raised for the defence of the country before the next session of Assembly, with a clause that horses actually killed and arms actually lost and spoilt in the service of war shall be paid for by the country, and a clause that the Laws relating to the Militia be put into due execution.

Resolved that H.E.'s proposal for buying arms, *etc.* at present in the hands of the merchants will be answered by a liberty to impress arms upon extraordinary occasions.

Resolved, that it is not necessary that the country should be at the charge of muster-masters, but that it is the duty of the Militia officers to exercise their troops, and to take care that they be provided with arms and render an account to H.E. from time to time.

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Resolved, that H.E. be impowered with the advice of the Council upon any alarm, surprise, insurrection or invasion to cause arms or ammunition to be impressed for the defence of the country, having due regard to the frontiers both by sea and land.

Resolved, that the owner of arms so impressed, when the expedition is over, shall have his choice to take his arms again or to be paid for them by the public after the rate of 35 per cent upon the first cost.

Sept. 24. Address of thanks to H.E. read and passed. (*Given at length.*) The House attended upon H.E. and presented their Address.

Bill for levying and arming an effectual force in time of danger read a first, second and third time, passed and sent up.

Bill continuing Impositions was sent down passed.

Bill giving further directions in building the Capitol, etc. sent down with amendments, which were agreed to and sent up.

Bill for quieting the possessions of several persons sent down passed.

Resolve for paying proprietors of land in the City of Williamsburgh passed.

Conference upon the Addresses to H.M. ordered. The House decided to abide by their decision that the Address concerning an Agent should contain all necessary clauses.

Petitions of Henry Forty and Jonathan Gladman, for a special permit to sail in spite of the embargo, rejected.

Clause of a letter from Governor Blackiston to H.E. sent down, was read:—"I should be glad to hear [*your Assembly*] give a ready compliance to the paying the money H.M. has required for New York, for if it should not be done in Virginia, I doubt it will make our Assembly here boggle, for they are glad to take hold of any example, when it is to save their money." [*C.O. 5, 1408. pp. 275-291.*]

Sept. 22. **883.** Minutes of Council in Assembly of Virginia. *See preceding abstract.*

Sept. 23. Bill for giving further directions in building the Capitol read the second time and committed for amendments.

Bill for continuing impositions read a second time.

Bill for quieting possessions, etc. passed.

Sept. 24. *See preceding abstract.* The Assembly presented their Address and H.E. replied, stating that if the country were invaded, he would fight at their head.

Bill for continuing impositions read a third time, passed and sent down.

Bill for building the Capitol read a third time with amendments, passed, and sent down.

Bill for quieting possessions, etc. sent down.

Bill for levying an armed force, sent up, was read a first time. [*C.O. 5, 1409. pp. 503-513; and pp. 407-413.*]

[? Sept. 23.] **884.** Copy of the Duke of York's Confirmation of the soil and grant of the Government of West New Jersey in America to Edward Byllinge, his heirs and assigns. Aug. 6, 1680. 17 pp. [*C.O. 5, 1261. No. 23; and 5, 1289. pp. 219-238.*]

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- Sept. 23. **885.** Journal of Council of Trade and Plantations. Paper from Mr. Hodges read. Ordered that he be acquainted, that if he have any other informations to give the Board relating to his complaints, either by witness or otherwise, the Board will be ready at any time to receive them, and that if he finds himself agrieved for want of an appeal from the decree in Barbadoes, the proper way will be by petition to H.M. or the Lords Justices in Council; and in the meanwhile, their Lordships resolved to send a copy of Mr. Hodges' reply to the Governor of Barbadoes for his answer.

Copy ordered to be made and kept of the Duke of York's confirmation of the grant of the Government of West New Jersey to Edward Bylling, his heirs and assigns, Aug. 6, 1680, which was communicated by Mr. Richier.

- Sept. 24. Sir Edmund Andros attending, said that all the grants for the northern Colonies having been made before the countries were well known, the boundaries of many of them expressed in the said grants do so interfere with each other that no certainty can be drawn from thence, but that he remembers well, that whilst he was in those parts, the same controversy being then on foot, there was no positive determination made upon their pretended rights, but the care of the Narraganset Country was *per interim* left to the Colony of Rhode Island, and he thinks that all the towns in the Narraganset, except perhaps one called Stonington, have ever owned Rhode Island.

Their Lordships entered again upon the consideration of the business of the Jersies and made a further progress therein. [*Board of Trade. Journal, 14. pp. 162-165.*]

- Sept. 23. **886.** Journal of Assembly of New York. The Committee gave in their Reasons for prosecuting Tho. Willet, John Tollman and William Willet, which were read and approved of. (These members objected to the choice of Abraham Gouverneur as Speaker, on the ground that he was an alien.)

Petition of Jacob Leysler read and ordered to lie before the House.

An Act for quieting, settling and confirming the rights and possessions of Thomas Laurence, Will. Lawrence, Robert Burges, Bragron Bragar, Hendrick Marrinson, George van Acts, John Lawrence, Andrew van Acts, Johannes van Acts, John Pearsall and other antient Freeholders and inhabitants of a tract of land, Helgare Neck within the bounds of New Town on Long Island, now called the Island of Nassau, and vacating all under Patents clandestinely obtained of any of the said lands against any the just rights of the said free-holders and other inhabitants of New Town, read the first time.

Act, for granting an additional Duty to H.M., read the second time and committed.

- Sept. 24. The House met and adjourned.

- Sept. 25. Letter from the High Sheriff of Albany read, acquainting the House that he had served the summons on Johannis Cuyler, who would write to the Speaker.

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Conference with the Council, to meet at Gabriel Thompson's at the White Lyon, appointed. *Printed.* [C.O. 5, 1184. pp. 1019, 1020.]

Sept. 24.
New York,

887. Lieut.-Governor Nanfan to the Council of Trade and Plantations. This sloop in her way for Holland touching at Cowes makes me not omit paying my duty to your Lordships, altho' at present I have not much to offer. *Refers to letter of Aug. 20.*

Our Indians are in perfect union with us, and [I] question not in the least to continue them so, so long as H.M. shall please to honour me with being employed in this station. Our Assembly are yet sitting, but the next week I believe I shall prorogue them. There has been some jangling between the two parties, but for myself I neither directly nor indirectly engaged my[*self*] with either. I shall as soon as the Journal of the House is printed transmit it to your Lordships, and then you will be best able to judge which of them have been in the wrong. I have gained my point for H.M. service, an additional duty for two years to defray the charge of the Government. When it's brought up, I shall not be long a-dispatching it, and for what other bills I shall pass, shall be puerly for the welfare and peace of this Province. I saw an odd passage in a letter from Boston of the 15th inst. from one David Jefferies to Col. D'peyster of H.M. Council here, *to the effect that Mr. Champante had protested a Bill of Exchange*, "there being a new Governor made for New York, and no Agent as yet fixed." This, if truth, will be of the most fatal consequence to H.M. service that can be, for should that bill come protested, we shall never have any more credit for moneys on our bills, and the soldiers, who have these twelve months been paid with ready-money weekly their full pay, will never be satisfied with any other way of payment (I mean by victualling, nor do I know any that will undertake that), but will infallibly desert, or prove very irregular; besides, all bills hetherto drawn, or that I may yet draw for their subsistence, should they be protested, my owne fortune will be obliged to make them good, which will be my utter ruin, therefore I most humbly recommend this weighty matter to your Lordships' great wisdom, not doubting but your Lordships has found some expedient for the rectifying all mistakes hetherto, and for preventing all may happen for the future. I have taken what care I can to provide materials for the two Forts of Albany and Schenectadah, by directing every sloop goes up the river to carry stones, and have sent up an engine to slack lime, but shall be able to doe little this winter, for want of Col. Romer, whom as yet I have not been able to procure from Boston. I am of opinion he fears being sent to Onandage, tho' would he come this, or the beginning of next month, I should not think it a fateague myself to go thether with him, that I might be able to give your Lordships a more particular account. I have directed Albany and Schenectadah to be repaired with stoccadoes, and put into as good a posture of defence as we can, to prevent any accident that may happen this winter. By a good ship will

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sail hence in 5 or 6 days for London, I will send duplicates of my last packett, with what else may be necessary for your information. *Signed*, John Nanfan. *Endorsed*, Reed. 14th. Read Nov. 28, 1701. 4 pp. [C.O. 5, 1047. No. 1; and 5, 1119. pp. 1-4.]

Sept. 25. **888.** Order of Lords Justices in Council. The blank left in Lord Cornbury's Commission, for his salary, is to be filled up with the words *six hundred pounds sterling*. Draught of Instructions approved and ordered to be prepared for their Excellencies' signature. *Signed*, John Povey. *Endorsed*, Reed. Sept. 30, 1701. 1 p. [C.O. 5, 1046. No. 38; and 5, 1118. pp. 411, 412.]

Sept. 25. **889.** Minutes of Council of the Massachusetts Bay. Upon the suggestion of Capt. Crowe, H.M.S. *Arundel*, ordered that he stay for fourteen days in order to convoy the ships bound for England.

Capt. Henry Crofts, H.M.S. *Gosport*, ordered to make a 12 days cruise as before.

Capt. Southack, H.M.S. *Province* gally, ordered to cause the ship to be haled in upon the flats where she may float every tide, and discharge the master and six of the company, no present service offering for her.

Elizabeth Riley paid 30s., in consideration of her son Nicholas Wallinford serving H.M. as a soldier about 3 years since.

31l. 10s. remitted to Samuel Wakefield and John Wilson, Farmers of Excise, 1698.

Sums paid to Benjamin Eliott *etc.* on account of books purchased to contain the public Records.

Several letters *etc.* from the Council of Trade and Plantations read. H.M. Proclamation, March 6, 1701, relating to pirates, ordered to be published.

Memorial presented by Col. Romer, referring to the Fortification now in making on Castle Island, read. Committee appointed to visit the Castle to-morrow, and to confer with Col. Romer.

Sept. 26. Capt. Crofts, representing that the *Gosport* needs some repairs, ordered to remove her within side Long Island for that purpose and then to proceed on his cruise. [C.O. 5, 788. pp. 93-96.]

Sept. 25. **890.** Minutes of Council of New York. Case of Creed *v.* Whitbread deferred. [C.O. 5, 1184. pp. 591, 592.]

Sept. 25. **891.** Minutes of Council in Assembly of New York. Amendments to Bills committed Sept. 22 sent down.

Joint Committee appointed to confer about the method and means of putting the frontier garrisons into a posture of defence this winter. [C.O. 5, 1184. pp. 879, 880.]

Sept. 25. **892.** Journal of Council of Trade and Plantations. Orders of Council, Sept. 16, upon the Acts of Nevis, read.

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Sept. 26. Memorial from Mr. Jory read. Thereupon ordered that he be desired to send hither any of the masters in whose ships any of the disbanded soldiers are returned home from Nevis.

Petition of John Wake *etc.* read. Recommended to obtain Capt. Bond's affidavit.

Affairs of the Jersies further considered. [*Board of Trade Journal*, 14. *pp.* 165-167.]

Sept. 25. **893.** Journal of House of Burgesses of Virginia. Resolved, upon consideration of H.E.'s message, that a Naval Force is the best way to secure this country from an enemy by water, and the charge of maintaining it will be altogether insupportable to this country.

Resolved, that it is not convenient at this time to address H.M. concerning the matters contained in H.E.'s fifth proposition.

Sept. 26. The Burgesses requested the return of the Book of Claims from the Council, having no other business on hand.

Petition of Rodham Kenner and Nathaniel Harrison, members of this House, read, complaining that James Twyford last night had given them scurrilous and provoking language, challenged them to fight, and called the Burgesses a parcel of pitiful inconsiderable rascals. Resolved, that such words and such a challenge are a breach of privilege, and that Twyford be sent for in custody of the Messenger. After being heard, he was ordered on his bended knees to acknowledge his offence and beg the pardon of this House, and the forgiveness of Mr. Kenner and Harrison in particular, which he did, and was discharged out of custody, paying fees.

The Council announced that they agreed to the proceedings of this House concerning Blackwater and Pamunkey Neck lands, with two exceptions. The House adhered to their resolution.

The House accepted an additional clause proposed by the Council to their resolves as to the Revisal of the Laws, Sept. 3, 5 and 9.

The Council assented to the Book of Claims, provided that 146*l.* 8*s.* 3*d.* *sterl.* paid by Mr. Bird, and 63*l.* paid to Henry Tyler for 63 acres of land adjoining to the City of Williamsburgh to the lots assigned for the Governor's House, be added. To this the House would not agree.

Sept. 27. Resolves of the House relating to the Revisal of the Laws were returned from the Council agreed to.

Humble Address to H.M. representing that Mr. William Byrd, junr., is appointed Agent for this Colony, was returned from the Council agreed to. (*Entered.*)

Humble Address to H.M., representing the case between this Government and New York was returned from the Council with some amendments. It was ordered to be transcribed according to the amendments. *The Address refers to the transactions of the Assemblies of 1693 and 1695.* "We cannot find that there is any more at the bottom (*of this proposal from New York for a quota*) than an intention to secure to themselves the command of

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the whole trade with the Northern Indians for beaver and deerskins. . . . We conceive ourselves to be every way as much exposed to the French and Indians as they are, great Nations of Indians to the South and West daily infesting our open frontiers, and even the Northern Indians from the Lakes and other places on the back of New York, passing far wide of them as being already well guarded by your Majesty's Forts and Garrisons, and falling upon us, who are naked and defenceless and scattered about in remote and separate Plantations. The French also on the Lakes, on the Meshashippi and on the North side of Cape Florida (where we are just now informed of their late settlement by a gentleman of good credit arrived here from South Carolina) having a very easy passage to us, besides that we live in the way of their ships, as they sail from the Gulf, and the Government of New York is no more a barrier to defend us from any of all these enemies than we are to them, and of the two they are the much more able, by reason of their cohabitation, richer trade and more plentiful estates, to afford contributions to the other. Our estates arising purely from our hard labour in making tobacco, the profit whereof is exhausted by customs and impositions that amount to three or four times the price of the first cost we have for it, the lasting cause of the poverty of this country, particularly at the time of receiving your Majesty's letter, we were actually engaged in so many public and chargeable undertakings, the building of our Assembly and Court-houses, the Revisal of our Laws, the paying for the land of the City of Williamsburgh, besides the great charge of the pirates, which we had lately undergone, that before we received these your royal commands, we had addressed your Majesty for some assistance out of the Quit Rents to help us to defray the charge of what we had even then undertaken, and we are now contriving how to defend our own open frontier by sea and land, for which it will be a very hard matter to find out the ways and means, all funds being already so much exhausted, that we have laid taxes upon our very servants and slaves. And it will appear upon an impartial consideration of the number of our free men and the account of our arms compared with the largeness of the frontiers we have to defend, that we are as weak in men and arms as we are poor in money. *Considerations offered against detaching a quota of men out of the country* :—(1) Not to insist upon the charge and difficulty of transporting them thro' counties entangled with great rivers, swamps, woods and marshes, and that they will probably come too late for the assistance of New York in case of invasion, for every man carried out of Virginia for three months your Majesty will lose at least 20*l. sterl.* in customs. (2) Upon the first notice of such a detachment, most of the single men and poorer sort of house-keepers will remove themselves into the neighbouring Government of Carolina or elsewhere, where there is no quota required. (3) Hence the men to be detached must be free-holders and house-keepers, and in their absence their servants and slaves will not make above half the crops of tobacco they now make, which will lessen your Majesty's Revenue more

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than all the rest. (4) Between the French, Spanish and Indian enemies without, and the unruly servants and slaves, in their masters' absence, within, and the loss of so many men sent to New York, and so many more, who shall have removed themselves out of the country, the country will become an easy prey to an enemy. (5) And this country once lost, Maryland must run the same fate, as having all its trade thro' our Capes, and consequently at the discretion of the conquerors of this country.

The trade of Virginia and Maryland is of far greater consequence to your Majesty's revenue than New York, were it vastly better than it is. We therefore pray you to supersede your commands for any supply of men or money to New York from this your poor country."

Bill for levying an effectual force, sent down with amendments. Some of the amendments were agreed to. The Bill was sent up with a request to the Council that they concur in passing it with these amendments only.

Message to the Council, representing the reasons for their resolution to divide certain lands in Pamunkey Neck between John Buckner and Chicheley Corbin Thacker, agreed to.

Resolved, that the Treasurer remit 300*l*. to Mr. Bird, our Agent in England, to be used as occasion requires in soliciting an Address to H.M. and in carrying on the business of the Agency. This resolve sent up.

H.E. summoned the House to attend him and addressed them :—I am heartily sorry that you have in no ways complied with H.M. commands relating to the assistance of money and men to be given to New York, and what you offer for not doing of them, I think is somewhat strang(e) and noways agreeable to H.M. letter of Jan. 19. I cordially recommend to you to find out some expedient how to answer H.M. royal and paternal designs for the security of all H.M. Empire in this Continent of America, and maturely to consider the last paragraph of H.M. letter to me. If you should not agree upon it (which God forbid), it may be of fatal consequence, not only to this H.M. Colony, but likewise to the rest of H.M. Provinces. For when our enemy shall know it, they will be the more encouraged to attack New York. And your denyall may be a president to other Provinces. I hope you have taken care that there be no clause in your Bill, for levying an effectual force in time of danger, which may be in the least repugnant or disagreeable to that paragraph in H.M. letter concerning the furnishing of a quota to New York, nor to the Instruction of the Lords Justices. If you have not found a way to buy those arms and ammunition, which were to be sold in the country, an account whereof I gave you, I suppose that the major part of them will be sent out of it, and so may others that are brought in, when there shall be the most occasion for them, therefore to depend upon purchasing arms and ammunition in the day when they shall be most wanted to make use of against our enemy, I think it very disagreeable and repugnant to the art of warr in general, but more particularly considering our circumstances, the inhabitants not living in towns, and having no fortifications,

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but dispersed, and having several great and small rivers and creeks to pass, and most of them not well provided to transport horse-dragoons or even foot. And if there should be arms and ammunition, 'tis probable they will be in several persons' hands, and that at great distances, so that before they can be gotten to a convenient place to arm the men, who are, God willing, to attack the enemy, there will be several days spent, and to be ready with troops well provided with suitable arms and ammunition in time is one of the most essential things in war. *Commends the Act for ascertaining pay* etc. I find that you think it not convenient at present to raise a new fund for another supply of arms and ammunition, but I hope in God you will not take it amiss if I propose two ways to raise a fund, either to give or lend H.M. the 900*l.* for New York, and to have money in bank in part for buying the arms and ammunition and paying the officers and soldiers, as you have proposed in your Bill, as well as the expenses of the Agent :—(1) That 6*d.* duty be laid upon each hhd. of tobacco exported for one year. In Maryland there was once paid 2*s.* 6*d.*, and now it is 2*s.* 3*d.*, if not more. If such an Act be now passed, I will lend the country 6 or 700*l.* without interest, and give 50*l.* (2) Finding this year's levy is not like to exceed 4 or 5*lb.* of tobacco per pole, I propose that 15*lb.* be now levied. If this Act passes, I propose to give 50*l.* more. And H.M.S. *Lincoln* and *Shoreham* sailing for England Oct. 15, I propose the tobacco so raised may either be sold here or in each county for bills of Exchange, which may be sent by these ships. I am glad you have taken care to pay the money due to the Proprietors of land taken up for Williamsburgh, but considering by the fourteenth Act of Assembly, 1699, they should have been paid last session, and that being an Act, this Order is not of equal force, I propose that the money be tendered to them with all expedition.

Concerning the Act for quieting the possession of several persons seated within the bounds of the lands laid out for the Pamunkey Indians, the same being expressly contrary to the late Instructions of the Council of Trade, and the 136th Act of Assembly in the printed book, I am very sorry that I cannot pass it, but if you will make an Address to H.M. Sacred Majesty for it, from whom all Acts of Grace and Pardon must immediately come, I will take care that it shall be presented to H.M., and till his Royal pleasure is further known, they shall not be disturbed in their possessions, provided they make no more settlements, nor any further improvements but what is necessary. As to laying open the land on the south side Blackwater Swamp, and in Pamunkey Neck, I was, and by God's assistance ever shall be very forward what in me lies to advance H.M. interest and the good of this Colony, but to do such a thing now, I think it will prejudice H.M. interest and the safety and security of this Colony by hindering the settlements intended by the Act made for the better strengthening the frontiers and discovering the approaches of an enemy, but if you are of another opinion, when I have an account from the surveyors what land there is, and of what nature, public notice shall be given.

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As to the Resolve of the House, Sept. 25, that it is not convenient at this time to address H.M., as I proposed, that two Engineers or Firemasters for warr may be sent hither with all materials for that purpose with granadeer arms, hand mortars and granadoes suitable and fit for them with pistol, powder and bullets, I wish you may never live to see the time to say, you have now cause to repent that Resolve.

As to the Clause of your Address relating to New York, it is the opinion of myself and Council that whereas you say those misrepresentations were merely to gain a contribution the better to enable them, for security of their Indian trade, to build forts, the same is too severe a reflection, there being no ground for the same set forth in H.M. Royal letter, Jan. 19. As to the forts being no security to this Colony, it would have been much better to have said, that forts on the frontiers of that Government can be of no security to this Colony to keep of the French and their Indians from invading us. It is the opinion of myself and Council that the clause might better have been omitted where you say that it is not probable that men can be sent from hence to New York in such time as to be serviceable upon an invasion.

Where you say that it is not convenient to make any alteration in the bounds of Counties and parishes already settled, but when Representation is made that they are aggrieved, I must tell you that in many places it is necessary to be done, and by advice of H.M. Council I propose to you that the same be recommended to the Committee appointed to revise the Laws. As to that clause concerning public dispatch of letters and the settling of ferries and posts, which you say you have committed to the Revisers of the Laws, it is of such absolute necessity for the interest of this country, especially in these times of danger, that I heartily wish it were now effected, but since it cannot be done this session, I do, with the advice of the Council, propose that you order the same to be done by the Committee appointed to revise the Laws, that it be the first thing recommended to their cares. As to building a House for the Governor, you must consider that by H.M. especial Instructions it has been often pressed unto you, and therefore, by advice of H.M. Council, I again propose that 63*l.* be paid for 63 acres of land adjoining to the lots laid out in Williamsburgh to be appropriated to that use, and also 146*l.* 8*s.* 3*d.* *sterl.* paid by Mr. Auditor Byrd for several disbursements, which we are of the opinion ought to be discharged by the public.

The House considered H.E.'s Speech and Proposals and ordered an Address thereupon.

Ordered that it be recommended to the Committee for Revisal of the Laws in the first place to take into consideration what relates to dispatch of public letters and the settling of ferries and posts.

Ordered that the Trustees of Williamsburgh, forthwith after the money is put into their hands, make a tender to each Proprietor of his proportionable part.

Message from the Council proposing that the pretensions of Buckner and Thacker be heard before the next session, but the

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House adhered to their resolve for dividing the lands claimed between them.

The negro, mentioned in the Bill for the apprehension of an outlying negro, having surrendered, the Council enquired what should be done with him, and the House replied that the Bill gave sufficient direction.

Mr. Leigh was granted leave of absence. [C.O. 5, 1408. pp. 292-320.]

Sept. 25. **894.** Minutes of Council in Assembly of Virginia. Bill for building the Capitol and Prison agreed to with amendments and sent down. *And see preceding abstract.*

Sept. 26. *See preceding abstract.* Bill for levying an armed force read a second time and committed for amendment.

The Council being very sensible that Robert Pasley is not capable nor able to discharge ye office of Interpreter to ye Pamunkey Indians, propose the Burgesses should nominate a fit person, if they think there is any necessity.

Sept. 27. *See preceding abstract.* [C.O. 5, 1409. pp. 513-529; and pp. 413-423.]

Sept. 26. **895.** Joseph Jory to the Council of Trade and Plantations. Whitehall. I am well assured from sundry masters of ships that the disbanded soldiers at Nevis have as much liberty as any of the King's subjects there, according to their quality, and have free liberty to come home for England, if any of them pleaseth, or to remaine there, and the Law now before your Lordships was made on purpose in their favour, that none might want imployment for a valuable consideration, until such time they might be disposed to leave that place. *Signed,* Joseph Jory, Agent for Nevis. *P.S.*—Some of the said soldiers came home in the *Mary and Sarah*, passage free, only their labor on board. *Endorsed,* Recd. Read Sept. 26, 1701. $\frac{3}{4}$ p. [C.O. 152, 4. No. 52; and 153, 7. p. 238.]

[Sept. 26.] **896.** John Wake and owners of the *Elizabeth and Katharine* to the Council of Trade and Plantations. Since the petition of Sept. 16 (*q.v.*) petitioner is informed that Mr. Weaver declares he wd. seize the ship fifty times, but he would get his ends and ruin Wake. The owners fear they will lose their ship and the sailors left abroad will turn pirates. Pray that Mr. Weaver have a positive order not to prosecute the ship or Wake any more in New York, and permit them to come home. *No signature.* *Endorsed,* Recd. Read Sept. 26, 1701. *Addressed.* 1 p. [C.O. 5, 1046. No. 39.]

Sept. 26. **897.** Journal of Assembly of New York. Ordered that a Committee wait upon the Countess of Bellomont to desire her to lay before this House H.M. commands relating to Mr. Leysler signified to the late Earl by Lord Jersey's letter.

Sept. 27. Conference with the Council appointed upon the amendments sent down from them to this House. *Printed.* [C.O. 5, 1184. pp. 1020, 1021.]

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 Sept. 29. **898.** Minutes of Council of New York. Lieut.-Governor's salary paid.
 The Governor by and with the advice and consent of the Council, nominated Thomas Noell, Mayor of New York, and Isaac de Reimer, High Sheriff of the City and County of New York, John Bleeker, junr., to be Mayor of Albany, and Jonathan Broadhurst High Sheriff of the City and County of Albany, and Benjamin van de Water to be High Sheriff of King's County, Zachariah Mills to be High Sheriff of Queen's County, John Mulford to be High Sheriff of Suffolk County, John de Pue to be High Sheriff of Richmond County, Boudewyn de Wit to be High Sheriff of Ulster and Dutchess County, Isaac Denham to be High Sheriff of Westchester County, Tennis Denham to be High Sheriff of Orange County. The Governor also appointed John Johnson Bleeker to be Recorder of Albany.
 Petition of Edward Hodges read, and the carpenter and doctor of the vessel making oath that the iron on board was imported directly from England, in her, she was discharged. [*C.O.* 5, 1184. pp. 592, 593.]
- Sept. 29. **899.** Minutes of Council in Assembly of New York. Joint Committee appointed to confer about the amendments made by this Board to Bills on Sept. 25. [*C.O.* 5, 1184. p. 880.]
- Sept. 29. **900.** Journal of Assembly of New York. Conference with the Council held.
- Sept. 30. Lady Bellomont replied (*Sept.* 26) that she would give H.M. commands relating to Mr. Leysler to the Lieut.-Governor. Ordered that the Lieut.-Governor be desired to lay them before this House.
 Reasons of the House for the prosecution of Tho. Willet etc. ordered to be laid before his Honour.
 Ordered, that the money accruing by the additional Duty be not employed for any other use, but such as is directed in the Act. *Printed.* [*C.O.* 5, 1184. p. 1021.]
- Sept. 29. **901.** Journal of House of Burgesses of Virginia. Engrossed Bills sent up and returned.
 The Assembly attending, H.E. gave his consent to the Bills for strengthening the frontiers and discovering the approaches of an enemy; giving power to the Sheriff attending the General Court to summon jurors and evidences within the City of Williamsburgh and half a mile round the same; and for the more effectual apprehending an outlying negro, who hath committed divers robberies and offences. H.E. addressing them, said:— I hope in God that both what I spoke to you on Saturday as likewise what I propose to you now will be taken by you as proceeding from my duty, viz., that you would most maturely and seriously consider the fatal consequences that may attend all H.M. Empire in this Continent in case that the French should attack the Northern frontiers of New York and take Albany and the parts adjacent, if which happen (but God of his infinite power prevent

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it) the Five Nations of Indians must submit to them. And you cannot be unsensible that the French have both in war and peace used all ways and means either to subdue or bring over to their interests the said Five Nations, who know the way into this country, and have very often done murders and robberies in it. To prevent which an agreement was made with them by the Rt. Hon. Francis Lord Howard of Effingham, which is approved of by his present Majesty, and I now give your Speaker a copy of one of my Instructions concerning this affair. And I propose that there be a joint Committee of H.M. Council and of your House to see what hath been done with H.M. Government of New York and these Five Nations, for which purpose the Council Books shall be given them.

The Five Nations in the late war expected relief from this Colony, and if they should hear that Virginia hath refused to assist New York for securing the Northern frontiers, in which they live, it may be one principal reason to cause them to submit to the French, so if they did us damage when they were under H.M. Government of New York, when they came in small parties which were not owned by the body of them, what extraordinary spoil and ruin may they make when joined with the French either in a body of 1,000 or 1,500, or in parties of a hundred or two.

Message in answer to the Council's amendments to the Bill for levying and arming an effectual force in time of danger agreed to and sent up.

Address in answer to H.E.'s speech of last Saturday agreed to:—It is with a deep sorrow we perceive our proceedings are not absolutely satisfactory to H.E. We are well assured our hearts are full of loyalty to H.M. and passionate zeal to serve him. . . . We humbly hope those methods we have taken to answer H.M. Royal Commands by an humble Address agreed upon between the Hon. Council of this Colony and our House will be graciously received in the room of a direct compliance in spite, wch. we are not able to perform as our present circumstances stand without too great a burthen on our own people and the hazard of a successful consequence. Under this sense, and our former opinion that upon any extraordinary emergency sufficient arms and ammunition may be had for the defence of this Colony, we deem it not convenient, notwithstanding the encouragement of free loan and gift offered us by your Excellency's generosity, to raise those new funds, and are content to rely upon God Almighty's protection without any greater means of human provision for our defence and security than those directed by our Laws in force and such Acts as we are now about. . . . We were in hopes we had fallen upon an effectual method for quieting the possession of the several persons seated within the bounds of the land laid out for the Pamunkey Indians, but if it may not be ratified by your Excellency's Assent, we pray you to espouse the pitiful case of those people and intercede for H.M. grace and favour towards them, and, till his Royal pleasure be known, suffer them to live undisturbed in their respective possessions. Since we are not apprehensive that any

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inconveniences will arise by the present laying open of the lands on the South side Blackwater Swamp and in Pamunkey Neck, we shall with submission presume in proper time to present to your Excellency an humble Address agreed upon between the Council and our House in that matter, and rely upon your Excellency's wisdom and goodness to forward H.M. interest and the good of this Colony therein. We understand the Committee for revival of the Laws hath proceeded to the consideration of some few parishes, which appeared to them to be small, but in regard the alteration of the bounds of counties and parishes already settled is a matter of extraordinary weight and moment, and that we know not what consequences may happen thereupon, we conceive it the best way not to proceed therein, but upon representation of the inhabitants that the present settlement is grievous and wants redress. Concerning publick despatch of letters and the settling of ferries and posts, we have recommended the care thereof to the Committee for the Revival of the Laws in the first place. And forasmuch as we are of opinion that 63*l*. for the purchase of land for the Governor's House and the sum paid by Mr. Byrd are neither of them a Country charge, we pray your Excellency will not insist further upon your proposals, but that they be defrayed out of H.M. Revenue appropriated for the maintenance and support of this Government and the contingent charges.

The House attended H.E. and presented this Address.

Resolved that the House join with a Committee of the Council to see what hath been done with H.M. Government of New York and the Five Nations of Indians. Committee appointed accordingly.

Conferences, upon the bill for levying an effectual force *etc.* and upon the additions proposed to the Book of Claims, proposed by the Council, were agreed to.

Sept. 30. Reports of above mentioned Conferences read.

H.E. sent a message to acquaint the House that he considered the two sums mentioned above were as much a Country charge as any within the Book of Claims, and therefore insisted that they be some way or other satisfied by the publick, and that if he did not do so, should judge himself guilty of unfaithfulness to his most sacred Majesty.

Copy of the Order, directing the Trustees of the City of Williamsburgh to tender the money due to the several Proprietors concerned, sent up to H.E. and Council for their concurrence.

Amendment of the Council, to the Bill for levying an effectual force, negatived. Resolved, that the House doth not agree to any of their propositions at the Conference. This resolve sent up, with a desire that the Council pass the Bill with such amendments only as the House hath agreed to.

Conference proposed concerning Instructions to the Agent.

Message from H.E. acquainting the House that he thought it his duty to write to the Governor of New York concerning H.M. letter of Jan. 19, and sending the House a copy of a letter he formerly writ. He proposed a Conference upon what was proper

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to be writ. Resolved, that it is no concern of this House to communicate their proceedings to the Government of New York, and therefore they humbly desire to be excused. This resolve sent up.

The Council announced that they insisted upon their amendments to the Bill for levying an effectual force *etc.*

Resolve, concerning the Blackwater and Pamunkey Neck lands returned, agreed to by the Council. [*C.O.* 5, 1408. *pp.* 320–335.]

Sept. 29. **902.** Minutes of Council in Assembly of Virginia. *See preceding abstract.*

Sept. 30. The Burgesses having refused to join in a Conference with the Council to consider what is proper to be sent to New York concerning the quota of men, H.E. thought it not for H.M. service and interest for the Council to join with them, as they proposed, in a Conference concerning suitable Instructions and a letter to their Agent, but the quite contrary, the Council having already agreed to an Address. The Council assented to the Order of the House about money to be paid to the Proprietors of the land taken up for Williamsburgh.

Upon consideration of H.E.'s view upon the Conference referred to above, the Council represented to him that, we are already so far engaged in the said affair of Agent with the House of Burgesses, that we have not only agreed to the nomination of him and an Address to H.M. for admitting him, and to another to be by him presented to H.M., but also have promised in conference to join with the Burgesses in drawing Instructions for him, and therefore cannot conceive how we can now recede without transgressing the rules of Assemblyes, and so hazarding a breach with the House, wch. we humbly conceive would be both to H.M.'s, your Excellency's and the Country's disservice, and therefore humbly pray your favourable opinion of us, if we proceed to comply with our former resolves and promises, assuring your Excellency that we will take special care to admit of no Instruction to the said Agent that may in the least derogate from H.M. service or interest and the due respects we owe to your Excellency's person and Charter. *And see preceding abstract.* [*C.O.* 5, 1409. *pp.* 529–543; and *pp.* 423–432.]

Sept. 30. **903.** R. Yard to the Council of Trade and Plantations. The Whitehall. Lords Justices refer back to you the projected Treaty of Peace and Commerce between H.M. and the Emperor of Morocco, that you may particularly consider of what relates to passes therein, and consult with such merchants on that matter as you shall think fit. *Signed, R. Yard.* [*Board of Trade.* Trade Papers, 15. *p.* 235.]

Sept. 30. **904.** J. Bass to the Council of Trade and Plantations. Humble Memorial on behalf of H.M. Province of East Jersey. Being informed that some of the Proprietors have made some proposals of surrendering their pretentions to the Government unto H.M.,

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and have also petitioned for the approbation of their late Governor, Hamilton, *prays for copies and time to advise with Counsel. Agrees that* the Proprietors have no legal title to the Government, because the grant of Government from Charles II to the Duke of York of the Jerzies, together with a much larger tract of land, was not a personal trust, and could not be legally assigned and divided, as has been done by the pretended grants to the Proprietors. They have, anyhow, no legal right to dispose of powers of Government, being but part of the gentlemen grantees, the others being not acquainted with, much less consenting to, these Articles of Surrender. Nor ought they to pretend to the nomination of any Governor, much less Andrew Hamilton, not a native born subject of England, Ireland nor the Plantations, etc. *Desires that he may be heard by himself and Counsel before any final report is made. Signed, J. Bass. Endorsed, Reed. Read Sept. 30, 1701. 2½ pp. [C.O. 5, 1261. No. 24; and 5, 1289. pp. 239-243.]*

Sept. 30. 905. Isaac Addington to William Popple. *Signed, Isa. Boston. Addington. Endorsed, Reed. Nov. 25, Read Dec. 5, 1701. 1 p. Enclosing,*

905. i. Memorandum of Acts of the Massachusetts Bay, May 28, 1701. ¼ p.

905. ii. Memorandum of an Act to impower the Treasurer to issue forth Bills of Credit, passed at Boston, April, 1701. ¼ p.

905. iii. Memorandum of Minutes of Council of the Massachusetts Bay, May 30-Sept. 17, 1701. ¼ p.

905. iv. Memorandum of Minutes of Council in Assembly of the Massachusetts Bay, May-Sept., 1701. ¼ p. [C.O. 5, 862. Nos. 77, 77.i-iv.; and 5, 910. pp. 1, 2.]

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906. Extract from a letter from Mr. Jackson, minister of St. John's, Newfoundland. The barbarous treatment of Mr. Jackson on his voyage from London by Capt. Cavendish, was, as he hath since confess'd, at the instigation of Capt. Powel, sent to command the Fort of St. John's, and of Samuel Frances, his Lieutenant. The latter have gone among the people to alienate them from him. Finding this not easy (as appears from this, that immediately upon his arrival, they put 100 hands at work to build him a Church in the Harbour, and have provided him a Convent House adjoining) they would force him to come into the Fort to officiate, and then threaten to shoot him the first time he comes there. They have imbezzled the King's stores and threaten, if ever there be a war, and the Colony be invaded by the French, they will shoot every inhabitant yt. shall come to the Fort. These debauched libertines and blasphemous wretches are the plague of the whole harbour and a disgrace to mankind. *No signature or date. Endorsed, Extract of a letter to be laid before the Lords of Trade. 1½ pp. [C.O. 194, 2. No. 48.]*

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Sept. 30. **907.** Journal of Council of Trade and Plantations. Mr. Bass' Memorial read. Affairs of the Jersies further considered.

Oct. 1. Col. Jory brought a Commander of a ship from Nevis (*see Sept. 26*), who declared that he and another had brought over some disbanded soldiers thence, and that he did not hear whilst he was there that any of them, who desired to come for England, were denied that liberty.

Col. Morris shewed their Lordships a surrender of the Right of Government of East New Jersey to H.M. under the hands and seals of all the Proprietors inhabiting them, which he said has been lately sent to him with a letter of Attorney empowering him to transact in that matter, in order to the delivering the same accordingly, upon the conclusion of the matters relating thereunto, which are now under deliberation. The same was read and returned to him. Further progress was made in the consideration of those matters.

Oct. 2. Letter from Mr. Bateman, the Solicitor, desiring a copy of the late Attorney General's report relating to appeals upon occasion of the cause of the *Cole and Bean* galley, read. Copy ordered to be given him accordingly.

Letter from Mr. Yard, Sept. 30, read. Ordered that Mr. Samuel Nash have notice to attend Tuesday next.

Letter from Lieut.-Governor Nanfan, Aug. 20, read. Papers transmitted laid before the Board.

Representation upon the affairs of the Jersies signed and ordered to be delivered to Mr. Yard that he may lay it before their Excellencies the Lords [*Justices*]. [*Board of Trade. Journal, 14. pp. 168-172.*]

Oct. 1. **908.** J. Bateman to W. Popple. There being next week to be an argument before a Committee of the Privy Council, whether an appeal from the Court of Admiralty in the Leward Islands lyes properly to H.M. in Council or the High Court of Admiralty of England, and the Lord Chief Justice Trevor, when Attorney General, having made a Report to the Council of Trade in the cause of the *Cole and Beene* galley relating to this dispute, I humbly pray a copy of it. *Signed, Jn. Bateman. Endorsed, Recd. 1, Read Oct. 2, 1701. ¾ p. [Board of Trade. Plantations General, 5. No. 105.]*

Oct. 1. **909.** Minutes of Council of the Massachusetts Bay. Major John Goreham giving an account, by letter Sept. 26, that notwithstanding all his care and pains to comply with the Order of Sept. 4, for levying 11 soldiers out of the Militia under his command, for the relieving of so many of the garrison at Cascobay, he had delivered but five, several that were imprest having absconded, and others suitable for the service keeping out of the way, and Capt. James Warren informing that the transport vessel was ready and that there appeared no more than seven of the number sent for, Major Benjamin Church falling short two of his number, ordered that Capt. Warren continue the vessel in a readiness; letters written to Major

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Goreham and Major Church to enforce the compleating of their levys, and to prosecute those who were imprested and did not appear or deserted.

Memorial of Col. Romer, relating to some abuses committed by some of the garrison on Castle Island, was laid before the Board. Captain of the Castle authorised to discharge some of the garrison rendered unfit by reason of sickness etc.

The Assembly having resolved that 100*l.* be allowed to repair the fort at Salem provided that town contributed a like sum, and Salem having voted 100*l.*, warrant ordered for 100*l.* accordingly.

Wages paid to Joseph Gallop, Master of H.M.S. *Province* galley, and seven others lately discharged. [*C.O.* 5, 788. pp. 96, 97.]

Oct. 1. 910. Journal of House of Representatives of New York. Committees appointed to manage the repairing the Forts at Albany and Schenectady and to discourse with the Governor how much will keep them in repair this winter.

Oct. 2. H.E. replied that 150*l.* would repair the former and 50*l.* the latter, which was agreed to, and the money ordered to be borrowed out of the 1,500*l.* raised for building a Fort at Onnondage.

Oct. 3. The House considered H.M. commands relating to Jacob Leysler, signified in Lord Jersey's letter to the Governor, Feb. 6, 1699, together with Mr. Leysler's petition to the King, which the Governor had sent down to the House on Oct. 1 according to their request. *Lord Jersey's letter directs the Governor to recommend Capt. Jacob Leisler's case to the General Assembly of New York, being the only place where he can be relieved. The petition is a prayer for restitution of 2,700*l.* expended by petitioner's father during the Revolution.*

Bill brought in for the more regular measuring of grain and salt within the City of New York.

Oct. 4. Conference upon the Bills appointed to meet at Gabriel Thompson's at the White Lyon. *Printed.* [*C.O.* 5, 1184. pp. 1021-1023.]

Oct. 1. 911. Journal of the House of Burgesses of Virginia. Message sent to the Council. "Having spent so much time in adjusting the public claims, we are desirous the public levy should be laid before the conclusion of this Session, to the end every person to whom the country is indebted may receive their just right. We take for granted you allow the whole book of claims and stop the passing it upon no other account but a provisoe to add that to it which we cannot conceive nor agree to be a country charge that is to be levied by the poll or paid out of the fund for lessening the levy by the poll, but is an incident charge of the Government, and if it be not already, may be defrayed out of H.M. Revenue of 2*s.* per hhd. upon tobacco, appropriated for such purposes. We hope this thing will not obstruct our concluding this Assembly as usual by the Levy Act, which if not

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done now will be the more burthensome another time, because it will be double, and not only so, but will be a great grievance in the country by not paying the persons to whom the country is indebted, and a far greater grievance if another session should speedily be held to pay the same, and how uneasie this will be, may be partly supposed from the great charge accrewing upon this long session."

The Address of the House to H.E. with the last clause thereof endorsed upon the back of it agreed to by the Council. Message from H.E. "Upon consideration of the Address of Sept. 29," relating to the alteration of the bounds of counties and parishes, H.E. is absolutely of opinion that if some speedy method be not taken that each parish may be enabled to maintain a Minister themselves, it will be a very great encouragement to irreligion, profaneness, if not atheism. And as to the Counties, H.E. supposes the small ones will find it an aggrievance by this year's County Levy, and that the House cannot be unsensible how unequal and unproportional the Countys are in this Neck betwixt James River and York River. Upon that part of the Address relating to the persons seated within the bounds of the lands laid out for the Pamunkey Indians, as for those persons who are there seated upon an ordinance of Assembly, I look upon it as my duty to confirm the same, but as for those who are there seated otherwise, I cannot consent to it, because I am satisfied they have done it contrary to all the orders and resolves of the Government, and in that respect I cannot be the first mover in supplicating H.M. for such a thing, but if you think good to draw an Address to that purpose, I will joyne my utmost endeavours to have it presented to his most Sacred Majesty.

H.E. commanded the House to send all their Resolves and Ordinances that have passed the Council and Burgesses this Session that they may receive his assent. The following Resolves of the House were sent up accordingly:—for allowances to the Revisors; concerning Blackwater and Pamunkey Neck Lands; prohibiting ordinary-keepers to entertain workmen employed for building the Capitol; for settling the bounds of Isle of Wight, Surrey and Charles City Counties; for payment of 283*l.* 5*s.* on account of the City of Williamsburgh. H.E. gave his assent to these, and also to the Address sent down this morning.

H.E. sent to the House of Burgesses for their perusal his commands to the Hon. William Byrd, Col. and Commander in Chief of all the Militia of Henrico and Charles City Counties, which he intends also to send to the several Colonels and Commanders in Chief.

H.E. acquainted the Burgesses that he was very willing the Book of Claims should pass, and every one be fully satisfied, but in respect that H.E. finds that his message of yesterday is not yet answered, he cannot in duty to His Most Sacred Majesty pass the Levy Act, but proposes this expedient, that since it is the opinion of the House that the sum referred to is not a Country charge, and the opinion of H.E. and the Council that it is a Country charge, the money be therefore now deposited in

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the hands of Mr. Treasurer, and H.M. to determine the point in question, which expedient being agreed to, the Book of Claims shall immediately be returned.

The House replied that they conceived that they had sufficiently by their two Addresses answered his proposals, and could not recede from their former opinions.

A message was sent from the House to H.E., referring to their previous message which gave their reasons for his returning the Book of Claims, that the public levy may be proportioned, and acquainting him that the House awaited his Honour's resolution.

H.E. sent a message that upon consideration of the Address of the House of the 29th inst. (*ult.*), he conceives that affair is now finished, and hopes the Laws agreed upon by H.M. Council and themselves are now ready for him to sign, so that an end may be put to this Session.

H.E. sent a message that he was very well satisfied that he hath sufficiently declared his mind to the House, and discharged his duty to H.M. in his messages concerning the Book of Claims, and since this House refuse to have H.M. to determine the point, H.E. must stand by it, and cannot pass the Claims.

H.E. commands to Col. Byrd were sent up.

H.E. sent a message to the House that he thought there was occasion for an order for Mr. Treasurer to make payment of the money allowed the Revisors, as there was to the Trustees of the City of Williamsburgh.

The Council returned the Book of Reports of the Committee for public claims this Session with a message that it has been the practice here (of which we hope you will allow us to be the judges), before agreeing to the Claims for the Governor to give his assent thereto, who hath always stood concluded thereby. No Governor having ever yet denied the passing the Levy Bill after the preparing thereof.

The enrolled Bills were sent up together with the engrossed Bills and Addresses for the Council to examine. They were returned signed.

Order sent up for payment of the Members' Assistants and Clerks of the Committee for the Revisal of the Laws. H.E. summoned the Assembly to attend, if they had nothing further to offer for H.M. service. They replied that they had something to do before the conclusion of this Session which cannot be finished this night.

Oct. 2.

Message sent up to the Council, desiring an answer to the request of the Burgesses for a conference upon Instructions and salary to the Agent. Message sent up to H.E. that upon H.M. letter of Jan. 19, the House had agreed upon an Agent to represent the case (concerning the quota) to H.M., by which means we are in good hopes to satisfy H.M. and obviate the like grants for the future. *Repeat preceding message.* Resolved, that in case this Session be concluded without finishing the several matters designed by this House for Mr. Byrd, junr., our Agent, the Hon. William Byrd is desired to transmit to him the two Addresses to the King signed by the Council and this House,

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and also a copy of the proceedings this Session, and of the Assembly in 1693 and 1695, which relate to the Address, stating the case between this Government and New York, of which he is to be given copies. And that he write to the Agent to do what in him lies to save the King's displeasure until this country be further heard, and also promise the said Agent that this House will be accountable to him for all his disbursements and for a suitable reward for his service in this affair. Then the Members signed the Addresses to H.M. about the Agent and for representing the case between this Government and New York, and the Address to H.E. for laying open Blackwater and Pamunkey Neck lands.

H.E. replied to the message above referring to his Speech of Sept. 27, and his proposals then given, and his two propositions for raising money for several uses, one of which was to pay the Agent, "all which you refused, and have since denied to reimburse the Hon. Mr. Auditor Byrd the sum of 146*l.* 8*s.* 3*d.* sterling for several disbursements by him made, and the sum of 63*l.* for the purchase of 63 acres, etc., therefore I cannot apprehend how you can reasonably expect that I should give my consent for the sum of 300*l.* for your Agent, the same being $\frac{1}{3}$ rd of what H.M. proposes to be sent to the Governor of New York, and as for any further Instructions being given him than what is contained in the Address, which consists of Negatives, I refer you to what I sent you yesterday concerning them. I can in no ways agree with you that it is of absolute concern for H.M. and this Country's service that you employ an Agent that is to have such a large gratuity for delivering such an Address to H.M., which may be sent either to the Rt. Hon. James Vernon, H.M. Principall Secretary of State or to the Lords Commissioners of Trade and Plantations. But if you will have an Agent to deliver the said Address, you must petition H.M. to know how he shall be paid.

"If you have nothing more to offer, I command this House immediately to attend upon me in Council and to bring the Roll of Bills you have prepared for them to be signed by Fr. Nicholson."

The House attended with the Address concerning the Blackwater and Pamunkey Neck land and the following Bills:—for building the Capitol and Prison; for continuing impositions upon liquors, servants and slaves; for dividing King and Queen County; and for quieting the possession of several persons seated within the bounds laid out for the Pamunkey Indians. [*C.O.* 5, 1408. *pp.* 335-351.]

- Oct. 1. **912.** Minutes of Council in Assembly of Virginia. *See*
 Oct. 2. *preceding abstract.* H.E. signed the first three Acts taken up by the House and consented to by the Council, but as to the last (for quieting the possession of several persons, etc.) he said: "I formerly hinted unto you that I could not pass this Act. I am very sorry that any Act consented unto by H.M. Council

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should not pass, but I find this so very contrary to the Articles of Peace made with ye Indians, to all the Rules, Orders and proceedings of the Assemblies here, and more particularly expressly contrary to the Instructions I received from the Council of Trade, that I cannot assent to it."

Orders, to the Cols. and Commander-in-Chief of Militia, to new frame and model the Militia, with a specimen directing how to return the muster-roll, were delivered.

H.E. addressed the Assembly:—I am sorry the proceedings of this Assembly hath been so slack and burthensome to the country, as it is like to be by reason of the long session, that there has been such a bad success in what I laid before you, especially that concerning H.M. Royal commands for giving assistance of men and money to New York. I hope you will seriously consider the evil and fatal consequences that may attend it, as I before laid down, and that therefore at your return to your several counties you will in all things endeavour H.M. peace and tranquility of this country, and not publish the refusal to comply with H.M. aforesaid commands. But if you doe, I hope you will be soe just also as to publish what I formerly offered upon that occasion, for I hold myselfe so tyed in conscience and duty to obey ye commands of my sovereign that New York shall never want money upon that occasion as long as I have a penny, nor men, as I have the honour to weare H.M. Royal Commission in this Government. I find by your resolve that you will give me time enough in case of an alarm, invasion or insurrection to raise forces, repel or subdue them, but I am afraid you will find the sad, fatal and dangerous consequence of not having an armed force in readiness, and I hope I may have an opportunity to send for you according to your former resolves to venture your lives and fortunes for the sake of your religion, H.M. interest and defence of the country, and shall have the honour to fight in the head of you. Gentlemen, I thank you for that clause in your Address of Sept. 29, wherein you say that the Bill for levying and arming an effectual force in time of danger you conceive is clear of any clauses that can be construed to be repugnant to H.M. commands to me, or that royal authority vested in H.M., which were it in your power, you have hearts too loyal to dispute or seek the diminution of. As also for that clause in the message to H.M. Council, Sept. 29, where you say that by ye words of that Act before mentioned, there cannot be made a question in H.M. prerogative of making use of his men here for ye defence of his Plantations where it shall be thought necessary, which I take, Gentlemen, to be a positive alteration[? *affirmation*] of H.M. authority in that case. And though we are not now come to such a happy conclusion as might a been wished, and as indeed H.M. royal commands and interest, safety and security of this country requires, yet I hope time and second thoughts may effect it at another meeting. And now nothing more remains but that I prorogue you untill Nov. 12. [*C.O. 5, 1409. pp. 544-560; and (including instructions to Cols. of Militia and returns of ammunition etc.) pp. 433-456.*]

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913. An Abstract of all the persons in Virginia, tythables and unttythables. *The figures are set out by counties. Total, Tythables, 20,634. Unttythables, 34,300.*

An Abstract of the Militia and Arms in Virginia. 2,449 horse, 7,014 foot, etc. [C.O. 5, 1409. pp. 457, 458.]

Oct. 2.

London.

914. Benjamin Way to the Council of Trade and Plantations. The *John* galley, Thos. Warren Master, was taken by a pirate ship, the *John*, late of London, Ivett a Frenchman, commander, on her voyage to Madagasker, who plundered her and forcibly detained five of her seamen, April, 1701. Petitioner prays that notice be given to the several Governors that if the *John* be taken, those five innocent men may not be treated as criminals. Deposition. *Signed*, Tho. Warren, certified Oct. 9, 1701. *Endorsed*, Recd. Read Oct. 30, 1701. 1 p. [Board of Trade. Plantations General, 5. No. 106; and 36. pp. 24, 25.]

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New York.

915. Lieut.-Governor Nanfan to the Council of Trade and Plantations. Refers to letter of Sept. 24. Could we beget a union between our parties, who I fear are irreconcilable unless wrought by miracle, we should be extremely happy, tho' I interest myself with neither, but am as impartial as man can be. Our Indians are in admirable temper, and very firm in their obedience to H.M. and friendship to us, as your Lordships will see on perusal of a late Journal from our Agents sent to Onandage, now enclosed. Col. Romer is a most unaccountable man, I have not been able to gett him hether as yett from Boston. I shall not now trouble your Lordships with the coppys of our letters past between us, but will by some other oppertunity when your Lordships may be more at leizure. I hope our Assembly will be up next week. I expect our Money bill for an additional duty for two years to H.M. to be brought me every day.

I am provideing materials for our new Forts of Albany and Schenectedah, and putting our old into some posture of defence this winter. The French are still pressing a neutrality in [*sic*] our Indians, but I will never hear of any such thing, believing it to be directly contrary to H.M. interest. *Enumerates enclosures. Signed*, John Nanfan. *Endorsed*, Recd. 17, Read Nov. 28, 1701. 3½ pp. *Enclosed*,

915. i. Copy of Col. Fletcher's Lease of the King's Farm at New York to the Church Warden and Vestrymen of Trinity Church there for 7 years. Aug. 19, 1697. *Signed*, Ben. Fletcher. *Endorsed*, Recd. Nov. 17, 1701. 10 pp.

915. ii. Copy of Col. Fletcher's Grant of several Tracts of Land on the West side of Hudson's River to Capt. John Evans. Sept. 20, 1694. *Same signature and endorsement.* 12 pp.

915. iii. Copy of Col. Fletcher's Grant of a swamp in Manhattan's Island to Capt. John Evans, containing about 70 acres. Sept. 12, 1694. *Same signature and endorsement.* 5 pp.

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915. iv. Copy of Col. Fletcher's Grant of a Tract of Land claimed by the Mohacks to Col. Bayard, containing about 24 miles in length. Dec. 12, 1695. *Same signature and endorsement.* 11½ pp.
915. v. Copy of Col. Fletcher's Grant of a part of the King's Garden to Mr. Caleb Heathcote, containing 50 feet by 27. April 2, 1696. *Same signature and endorsement.* 7 pp.
915. vi. Copy of Col. Fletcher's Grant of a tract of land on the East side of Hudson's River to Mr. Godfrey Dellius, containing 70 miles by 12. Sept. 3, 1696. *Same signature and endorsement.* 5 pp.
915. vii. Printed Copy of Lieut.-Governor Nanfan's Proclamation relating to Algier Passes. Aug. 19, 1701. *Same endorsement.* 1 p.
915. viii. Printed Copy of Lieut.-Governor Nanfan's Proclamation for establishing a Court of Chancery at New York. Aug. 28, 1701. *Same endorsement.* 1 p.
915. ix. Journal of Capt. Johannes Bleeker and David Schuyler's Journey to Onnondage, the Center of the Five Nations, Westward of Albany. Aug. 27, 1701. Having received Instructions from the Governor and Council to go to Onnondage to hinder the French debauching of our Indians, went away the 28th in the morning for Onnondage, and arrived there the 4th Sept. and found the Sachims met together, who bid us welcome, and resolved to send a post away next morning to the Sinnekes and Cayouges that their Sachims should come down, as also the French, who had desired of the Onnondages that all the Sachims of the Five Nations might be convened together against they came from the Sinnekes. The Onnondages sent word that not only the Oneydes were now come, but also their Brother Corlaer to their great joy, who would now hear all what passed in their country. The Sachims were very desirous to know whether Corlaer would come and see them in their Castles in person this Fall, and that because Dekannissore had told them so. We answered that we had heard the same of other people, but not from himself, but if he comes, he will undoubtedly send somebody to give you an account of his coming. Dekannissore replied that he had told the Sachims the same.

Sept. 5. We were informed by some Sinnekes that the French had a great deal of goods with them to trade, upon which we had a Conference with some of the Sachims and told them, Brethren, we understand the French are come here to trade. Do you send for us to commune with such people? If you send for us for every French man that comes to trade with you, we shall have work enough, and if you will hearken to them, they will keep you in alarm continually. We

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know this is the contrivance of the Priests to plague you continually upon pretence of Peace, and talk you till you are mad. As soon as these are gott home, the Jesuits have another project, if you will break your brains with such things. We advise you when the French comes again, let them smoak their pipe and give them their bellyfull of victualls and let them go.

You have made peace with them although that was needless, for our King had made Peace for you and all his subjects in his dominions. *Dekannissore replied*, that we were misinformed. The goods which the French have brought with them is for those families that have the prisoners that they are now come for, who are still among us, and the reason why we have sent for you is to write all down what the Governor of Canada hath told us, since we will consent nothing. Else you might think and ask us what news we had got underhand. It is also concluded in our last Conference that the French should know what our Brother Corlaer had told us at Albany. We find here likewise a French Indian who is married to a French woman in Canada, whom we think keeps her as a spy. We asked him when he went to Canada? He tells us this is the place of his nativity, and was resolved to stay here.

Sept. 6. The Council being met, they acquainted us that the Messenger was returned from ye Cayouges, and said that the Cayouges had sent a messenger immediately to the Sinnekes to tell the French to come forthwith, if they had anything to say, and that their brother Corlaer was in Onnondage to know their business. It was proclaimed in this Castle, according to their custom, that Canniaghkennie, Capt. of Oneyde, was come home, who has been out a fighting against a Nation of Indians called Ondadeonwas, and has brought one prisoner, and in his return discovered some Indians, who live behind Carolina and Maryland, who told him that all was in peace and quietness, and that there should be no differences between them as there had been formerly.

The 7th and 8th we expected the French. The 9th we understood by some of the Sachims that the Governor of Canada had again desired that each Nation should send one of their Sachims with his agents to Canada, which wee opposed and said, "I have told you that he endeavours to bring us into confusion with all his devices, therefore hearken not to him. Go out a hunting. That will be better for you, and give your brother no cause to be jealous of you with all your running to Canada. It is his cunning to bring you and us into confusion, which will be impossible for him to doe, if you will but hearken." They promised that they would not goe.

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Sept. 11. The French arrived in the evening, and we understood by some of the Sachims that they have been with the Sinnekes for their prisoners which the Sinnekes have of the Far Nations called the Twichtwicks, but have got none. The Sinnekes told them that they did not bring the prisoners by way of Canada, but by the way of Tjughsaghrondie, and will bring them thither again themselves.

Sept. 12. The French were obliged to repeat before us all the propositions which the Governor of Canada had made to the Five Nations in Canada, which is as follows:—Children, Last year we cast the hatchet to the Devil, but then you were not all present, but now I throw it the second time while you are all present, and none shall find it again, for it is now Peace over all the world, and you Waganhaes, and you Five Nations shall now live in peace together, and I tell you both further that you shall not kill one another at your hunting, but you shall shun one another like brethren. *Gave each Nation a Belt, 24 in number.* I tell you again, as I told Dekannissore before, that I make a Fort at Tjughsaghrondie. The reason why I make a fort there is least you and the Ottawawas should fall out again, where your principal hunting is, therefore I have put a Capt. there to prevent all differences, if any should arise. I demand all my prisoners that are among you, both Indians and Christians. It is now Peace all over the world. Probably we or the English will be the cause of a war, and if it so happens, you are by no means to intermeddle. Let us and the English fight alone. Come freely and fetch of me as you do of your brother Corlaer powder and lead, and do not love the one better than the other. Now I desire that the Maquase may come here, for I know not whether they have a grudge against me. Therefore I desire that they may come face to face to see what they have to alledge against me.

The Five Nations spoke. Father Onnondio, here we have four prisoners, which we take here in the time of war, whom we now deliver unto you, and gave each prisoner a belt of wampum, and said no more, but when we come home we will consult about what you have now spoke. *Dekannissore told the French* we would tell you the proposals of our Brother Corlaer, but I am informed you know them already.

The French said, That which we have said to you is very good. If there was anything in this paper that was naught, I would thro' it in the fire, or I would conceal it. *Dekannissore replied,* I have not heard the French speak one word of your chickens, you Onnondio, that sit under your wings, I mean your praying Indians. If it happens that you fight with my brother, and then your chickens run from under your wings with the

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hatchet in their hand to our Brother Corlaer, with whom we are in so firm a league and covenant, then it would not be well. *The French said*, Wee have told you now these three times, we mean all Indians.

Our time is elapsed. We must be gone, but, brethren, I must tell you last of all, but you must not be offended at it; when you are in Canada you promise a great deal, but when you come home nobody knows anything of the matter. I have been in the Sinnekes' Country, and in Cayouge for our prisoners, but they seem as if they knew nothing of the matter, and you Onnondages are the same. But, brethren, if you come to Canada again and the Governor desires anything of you, if you will not do it, tell him to his face. And so Monsieur Soukeur went his ways.

Sept. 13. All the Five Nations sat and considered of a belt of wampum, which the late Earl of Bellomont had given them that they should take Ministers into their Castles, and upon a belt of wampum of M. Marrikour left here last fall, that they should take Jesuits into their country. Wee Five Nations do say:— Brother Corlaer, here have been two belts hung up here this summer, one from you and one from the Governor of Canada, and you speak both of praying. We are now come to a conclusion, and we do tell you we will have no Jesuit in our country. Now Brother Corlaer, you tell us you have ministers for us, and now you say we are like to have none for the present, but as soon as we have occasion for any we shall ask them of our Brother Corlaer. The cause why we ask for none now is because you both have made us drunk with all you[r] noise of praying. We must first come to ourselves again. Now Brother Corlaer, we have had a conference lately together, and you told us that it was peace over all, and we hold fast to that Covenant Chain, as if we were Christians. You or the French will be the cause, if there be a war, and if it should be a war again, I do tell you again that we will keep our Covenant with you, as if we were Christians, with whom we have an inviolable Covenant Chain. And Brother Corlaer, I doe now tell you that which I have told you, I will also tell him, and that we will have no Jesuit in our country.

Sept. 14. The Onnondages called us to them in private, and said, Brethren, we have concluded among ourselves to desire the Sinnekes to come and live together in our Castle, and also that the Maquase do live together at Kannaogen. It is further the request of all the Sachims to you, Brother Corlaer, that you would send them all the news that comes from England and what happens in your own Province. For we are Brethren, and doe open unto you our whole hearts. We doe

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nothing, neither does there any news come here but wee acquaint you therewith. Dekannissore has been at New York. He knows no news and says that a ship came in while he was there, and likewise the whole country was assembled together. But Brother Corlaer told him no news. We do again desire that we may know all the news. And we do further say, Brother Corlaer, Let us know whether the beavers be any comodity. If they be no comodity, let us know it by the first opportunity, then we do not go a hunting; but if they be a comodity, we will all go out a hunting. And this being said, we rose up and went on our journey towards Albany. *Signed, Johannes Bleeker, David Schuyler.* New York, Sept. 22, 1701. *Translated from the Dutch.* Rt. Livingston, Sec. for ye Indian Affaires. *Same endorsement.* 11 pp.

915. x. Memorandum of Minutes of Council of New York, April-June, 1701. $\frac{1}{4}$ p. [C.O. 5, 1047. Nos. 2, 2. i-x.; and (without enclosures) 5, 1119. pp. 5-10.]

Oct. 2.
Whitehall.

916. Council of Trade and Plantations to the Lords Justices. In obedience to your commands relating to H.M. Provinces of East and West New Jersey, we have considered the papers submitted to us, together with others of the like nature that were already in our hands, and having likewise heard what the Proprietors and others have to offer, we thereupon most humbly report to your Excellencies, that those countrys which are now known by the name of East and West New Jersey were granted, together with several other territories by King Charles II by Letters Patents, bearing date March 12, 1664, to the then Duke of York, his heirs and assigns, together with full and absolute power and authority to him, his heirs, deputies, Agents, Commissioners and Assigns, to correct, punish, pardon, govern, and rule all such persons as did then or should at any time thereafter reside within the said territories, according to such laws, orders, ordinances, directions, and instruments as by the said Duke of York or his assigns should be established, and with several other clauses relating to the government and defence of the same. The Duke of York did thereupon grant, convey and assign the said Provinces, (by the name of Nova Cæsaria, or New Jersey) to John Lord Berkley and Sir George Carteret, their heirs and assigns, with all and every the appurtenances thereto belonging, in as full and ample manner as the same was granted to him by the foresaid Letters Patents. King Charles II, by other Letters Patents, June 29, 1674, did again grant and convey to the said Duke of York all the said lands and territories in the same manner as before expressed, and several subdivisions and sales having in the meanwhile been made by the said Lord Berkeley, Sir George Carteret, and others claiming under them, the Duke did by indenture, Aug. 6, 1680, grant and confirm the Province of West New Jersey, with all the appurtenances thereto

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belonging, to Edward Byllinge of Westminster, gent., in whom the title thereunto then was, and to his heirs and assigns for ever, and did in like manner by indenture, March 14, 1682, grant and confirm the Province of East New Jersey, with all the appurtenances thereto belonging, to James, Earl of Perth, William Penn, Esq., and several other persons in whom the title to the same then was and to their heirs and assigns for ever. And by each of the said indentures did likewise give, grant and assign unto the aforesaid respective grantees, or assignees all and every such and the same powers, authorities, jurisdictions, governments and other matters and things whatsoever, which by the forementioned respective Letters Patents, or either of them, were granted or intended to be granted, to be exercised by him, the said Duke, his heirs, assigns, deputies, officers or agents. The present Proprietors, who derive their respective titles to their several shares and proportions of the soyle of those Provinces by several mean conveyances from and under the forementioned grants to Edward Byllinge and to the Earl of Perth and other persons, to whom the Duke of York had immediately conveyed the same, doe, in like manner and by virtue of diverse such mean conveyances, claim the same powers and rights of Government as were granted by King Charles II to the Duke of York and by him to others, according to the tenour of the foresaid indentures. Nevertheless, we do not find that any sufficient form of Government has ever been settled in those Provinces, either by the Duke of York or by those claiming under him as aforesaid, but many inconveniences and disorders having arisen from their pretence of right to govern, the Proprietors of East New Jersey did surrender their said pretended right to the late King James, April, 1688, which was accordingly accepted by him. Since H.M.'s accession, the Proprietors both of East and West New Jersey have continued to challenge the same right as before, and did in 1697 apply themselves to us in order to their obtaining H.M. approbation of the person whom they desired to have constituted Governor of the said Provinces, but at the same time refused to enter into security to H.M. pursuant to the Address of the House of Lords, March 18, 1696, that the person so presented by the Proprietors should duly observe and put in execution the Acts of Trade, yet nevertheless proceeded from time to time to commissionate whom they thought fit to be Governor, without H.M. approbation according to what is required by the late Act for preventing frauds and regulating abuses in the Plantation Trade.

In this manner having formerly commissioned Col. Andrew Hamilton, afterwards Jeremiah Bass, then again superseding their commission to Mr. Bass and renewing or confirming that to Col. Hamilton, and even since that also some of them having sent another Commission to one Capt. Andrew Bown, the inhabitants, sensible of the defects and insufficiency of all those commissions, for want of H.M. authority, have upon several occasions some of them opposed one of those Governors, some another, according as interest, friendship or faction have inclined

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them. The inhabitants of East New Jersey, in a petition to H.M. the last year, complained of several grievances they lay under by the neglect or mismanagement of the Proprietors of that Province or their Agents; as particularly that from the latter end of June, 1689, till about the latter end of Aug., 1692, (which was a time of actual war) they had not taken any manner of care about the Government thereof, so that there having been neither magistrates established to put the Laws in execution, nor military officers to command or give directions in order to the defence of the Province, they were exposed to any insults that might have been made by an enemy. Unto which they also added that during the whole time the said Proprietors have governed or pretended to govern that Province, they have never taken care to preserve or defend the same from the Indians or other enemies, by sending or providing any arms, ammunition or stores as they ought to have done; and the said inhabitants thereupon humbly prayed H.M. would be pleased to commissionate some fit person qualified according to law to be Governor over them. It has been represented to us by several letters, memorials and other papers, as well from the Inhabitants as Proprietors of both those Provinces, that they are at present in confusion and anarchy, and that it is much to be apprehended least by the heats of the parties that are amongst them, they should fall into such violences as may endanger the lives of many persons and destroy the Colony. The greatest number of the Proprietors of both those Colonies residing in this City, being hereby sensible of the necessity of H.M. authority for the preserving of peace and good order in those countries, have lately presented a petition to your Excellencies, in the preamble whereof, tho' they still seem to assert their title to the Government of the said Provinces, yet nevertheless in the end declare that they have agreed and are ready to surrender the same to H.M. upon such terms and conditions as are requisite for preservation of their properties and civil interests, and they thereupon humbly pray, that for the preservation of the publick peace, your Excellencies would be pleased immediately to approve Col. Hamilton to be Governor of both the said Provinces, until the terms of surrender can be adjusted. In a late Memorial presented to your Excellencies (and signed not only by the same persons, but by others likewise, who would not joyn in the prayer of that petition), having again prefaced their own pretended right to government, they do in like manner declare their readiness to surrender the same, in humble hope and confidence (as they express themselves) that H.M. will be pleased to grant them all reasonable priviledges, which are necessary to preserve their civil rights and the interests of Planters, and which are not inconsistent with H.M. service or royal authority, after which they proceed to propose, and particularly enlarge upon, several articles relating to the method of settling both the said Provinces, and uniting them under one Government. The Proprietors of East New Jersey, residing there, have signed and sent over hither to a gent. whom they have constituted their Agent and Attorney in that behalf, an absolute

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and unconditional surrender of their right to the Government of that Province, so far as the same is in them and so far as they are capable of doing it for others concerned with them in that Propriety. In relation to the foresaid Articles, we have been attended by several of the Proprietors here, who have further personally declared to us, that their intention in proposing the same is only to secure their rights in such things as are matter of property, and that they unanimously desire to surrender the Government to the King, and submit the circumstances thereof to H.M.'s pleasure. But in relation to the forementioned petition that Col. Hamilton may at present receive H.M. approbation to be Governor of those Provinces, the said Proprietors are so divided amongst themselves, that whereas some seem to insist upon his approbation as one principal condition of their surrender, others in the same manner insist upon his exclusion.

Upon all which we humbly represent that, not being satisfied that the forementioned grants from the Duke of York (the only title upon which the Proprietors claim a right to Government) without any direct and immediate authority from the Crown, were or cou'd be of any validity to convey that right (which we have been informed is a power inalienable from the person to whom it is granted, and not to be assigned by him unto any other, much less divided, subdivided and convey'd from one to another, as has been done in the present case) we did thereupon humbly represent to H.M. April 18, 1699, that a trial might be had in Westminster Hall, whereby their claim to the right of Government might receive a determination. No such determination having yet been made, nor any proceedings (that we know of) had upon the forementioned surrender, but it being generally acknowledged both by the Inhabitants and Proprietors of the Provinces that the disorder and confusion they are now fallen into are so great that the public peace and administration of Justice is interrupted and violated, and that whilst those disorders continue, there neither is nor possibly can be any due provision made for the guard and defence of that country against an enemy, we are humbly of opinion that it is very expedient for the preservation of those territories to the Crown of England, and for securing the private interest of all persons concerned, that H.M. would be pleased to constitute a Governor over those Provinces by his immediate Commission, which, together with the Instructions to be also given to the said Governor, may contain such powers, authorities and directions as may be necessary for the establishing there a regular Constitution of Government by a Governor, Council and General Assembly, with other civil and military officers, and for securing to the Proprietors and Inhabitants all their properties and civil rights in as full and ample manner as the like are enjoyed by any Plantation under Governors appointed by H.M.'s immediate Commission; together with such clauses and further provisions as may be thought reasonable, in order to prevent the interfering of that Colony with the interest of H.M.'s other Plantations, as the Proprietary Governments in America have generally done.

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And we further humbly offer that Draughts of such a Commission and Instructions may be prepared, and that they may be also shewn to ye Proprietors of those Provinces in order to their acquiescence and the surrender of their pretended right to Government, in such manner and form as may be effectual in law, to the final extinguishing of their pretences, or in case of their refusal, in order to such other proceedings as shall then be thought fit. *Signed*, Ph. Meadows, Jon. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 1289. *pp.* 244-258.]

Oct. 2. **917.** Minutes of Council in Assembly of New York. Ordered that David Jamison appear on Munday and then and there offer his reasons against the passing the Bill for confirming the agreement made between Thomas Swartwont and Co. and Garritt Aertsen. [*C.O.* 5, 1184. *pp.* 880, 881.]
 Fort William
 Henry.

Oct. 3. **918.** Minutes of Council in Assembly of New Hampshire. Adjourned till to-morrow. Act relating to Courts sent up.

Oct. 4. Petition of James Phillipps put on file, evidence being given that he had been paid the wages petitioned for. Act for regulating trials in civil causes, having been read three times and passed both Houses, was consented to and signed by the Governor. Prorogued till the first Tuesday in April. [*C.O.* 5, 789. *pp.* 277, 278.]

[Oct. 3.] **919.** Attorney General to the Council of Trade and Plantations. I have perused and considered of the several laws passed in the General Assembly of Nevis, May and June last, viz. :—(1) An Act for choosing three Assembly men for each division in this Island for the time to come. (2) Act for encouraging three companies of men to be ready for an expedition to assist St. Christophers. (3) Act for securing and confirming the titles of land in this Island. (4) Act to prevent Papists and reputed Papists from settling in this Island for the future, and for the better governance of those that are already settled. (5) Act for encouraging the importation of white servants, and that all persons shall be obliged to keep a white servant to every 20 negroes living. (6) Act that Phisicians and Chirurgeons shall not practice without licence and taking the oaths. (7) Act for the more easy repairing the highways. (8) Act for the Militia to meet and exercise every month. Which Laws I conceive are agreeable to law and justice, and do not contain anything prejudicial to His Majesty's Royal Prerogative, except that by (2) a liberty is given to servants to list themselves in the said companies, which by the said Act are to be exercised in arms twice a week till they embarque or return to the Regiments to which they belong, which seems inconvenient and prejudicial to the Masters of such servants who are allowed no recompense for such their time, and it doth not appear what is meant by returning to the Regiments to which they belong, since they are not said to belong, or to be intended to belong to or be incorporated into any Regiment or Regiments, and it seems

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unreasonable that any Master shall be obliged to part with a servant before his time is out, in case he procure a certificate from his officer of his having behaved himself brave in the said service, as the said Act requires. And except that Act (3) seems unreasonable in regard that as the said Act is worded, any person that hath been possessed of an estate for seven years, though onely for a particular estate in taile for life or years or as tenant at will, is declared to gain an inheritance in the same. And except that the Act (4) seems in this respect unreasonable, for that servants refusing to take the Oath and subscribe the Declaration thereby enjoined are to be banisht the Island, and not return on pain of death, whereby their Masters will be deprived of their property in them, and in this regard also, that every person that shall let lands to or hire as a servant or servants any Papist or reputed Papist shall be imprisoned by the space of twelve months without baile or mainprize, and other clauses and provisoes are therein contained concerning reputed Papists, although it is not ascertained by the Act who shall be deemed a reputed Papist. Except also Act (5), which in all probability may give encouragement to the spiriting away Englishmen without their consent and selling them there for slaves, which hath been a practice very frequent and known by the name kidnapping, so great is the encouragement thereby given for the importation of white servants. *Signed*, Edw. Northey. *Endorsed*, Recd. 3, Read Oct. 9, 1701. 2½ pp. [C.O. 152, 4. No. 53; and 153, 7. pp. 239-242.]

Oct. 4. **920.** Minutes of Council in Assembly of New York. Joint Committee appointed to confer upon amendments to several Bills. Act to oblige Robt. Livingston to account read the second time and committed. The Governor recommended an amendment allowing him till March 25. [C.O. 5, 1184. p. 881.]

Oct. 5. **921.** Capt. Powell to the Council of Trade and Plantations.
 King William I sent the Rolls of my Company by last wherein I mentioned
 Fort, St. John my next I would give an account of the state of the Company,
 which is the reason of the hard usage of the Agent in not sending
 the money over for the year 1700, and likewise for this year.
 He makes a stoppage of 13*l.* out of the mens twopences for
 coach-hire and other charges; as for their cloaths they have been
 mounted but twice this four years, the last cloathes for the old
 Company I brought over with me, the Agent told me was to last
 them two years, *etc.* At this time there is not ten men in the
 Company that has a shoe to go on of the work the King's Order
 is 6*d.* a day for the work, but the Office of Ordinance has sent
 none this year. These hard usages they do now begin to desert,
 for the 1st of this instant 8 of the Company rann away with all
 their arms and cloaths, for wee have dayly spies from the French,
 one of them undertook to be their guide there. I never miss
 them until night, so I sent a party after them towards Placentia.
 I have secured all the French that I do suspect of being instru-
 mental in this matter, so I do humbly beg of yr. Honors would

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advise me by the very first opportunity what method I must take to preserve the Company, for was they to receive the 6d. a day, it would not find them in shoes and stoking. Without some speedy care be taken for better usage for the men, it will be impossible to keep them from deserting, *etc.* *Signed, Joh. Powell. Endorsed, Recd. Nov. 14, Read Dec. 2, 1701. Postmark No. 14. Addressed. Seal. 1 p. Annexed,*

921. i. Abstract of preceding. 1 p. [*C.O.* 194, 2. Nos. 49, 49.i.; and (*without abstract*) 195, 3. pp. 16-19.]

Oct. 6.

922. Thomas Hodges to the Council of Trade and Plantations. On Oct. 1st Mr. Popple acquainted me that if I had any witnesses or further proof to offer on the matters contained in my reply, your Lordships were ready to receive it, and that if I desired liberty of appeal from what was don in the Chancery of Barbados on my suit against Mr. Horne, I might apply myself by petition to H.M. or the Lords Justices in Council. I am ready to supply further proof by witnesses, if you will grant me summons for such witnesses as I shall name, most of whom will not consent to give evidence or depositions unless compelled. As to your Lordships' direction to me to apply for appeal, this was part of my case annexed to my petition to H.M. Dec. 19, 1700, and stands already referred therewith to your Lordships. *Signed, Thomas Hodges. Endorsed, Recd. Read Oct. 7, 1701. 1½ pp. [C.O. 28, 6. No. 18; and 29, 7. pp. 435-438.]*

Oct. 6.
New
Providence.

923. Anonymous Petition from New Providence to Ellis Lightwood. The arbitrary and tyrannical Government of Elias Haskett, our late Governor, hath been so intolerably oppressive that it could no longer be endured without the manifest loss of our lives and fortunes, and the utter destruction of the Trade and Encouragement of settling these Islands. We have with just reason suppressed and taken into safe custody Elias Haskett, until H.M. and the Lords Proprietors' pleasures be known therein, during which time we heartily desire and request of you, Ellis Lightwood, being one of the Council, and as a person indifferent on this occasion, and whose principle interest is in this Government, that you would please to take upon you, together with the advice and consent of the Council, the care and charge of these Islands and the Government thereof. "The above is signed by the whole Country in General." ¾ p. [*C.O.* 23, 12. No. 65.]

Oct. 6.

924. Journal of House of Representatives of New York. Committee to consider the King's commands relating to Mr. Leysler recommended that a tax be raised of 1,000*l.* throughout this Province for paying of Mr. Leysler, and that care be taken for paying off all the rest of the debts of this Province by some duty or custom to be raised by the House. Which was approved. Committee appointed to consider of a duty to be raised to pay the debts of the Government. They reported that a duty be laid upon the following goods imported for three

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years:—Upon negroes or Indians imported from their own country directly, 15s.; indirectly, 1*l.* 10s.; upon every barrel of fish, 1s. 6*d.*; every cwt. of hops, 3s.; bushel of salt, 2*d.*; $\frac{1}{2}$ barrel of flour exported, 4 $\frac{1}{2}$ *d.*; 1,000 pipe staves imported, 2s.; 1,000 hogshead staves imported, 1s.; cwt. of cocoa-nuts, 2s.; upon every hundred of rice imported, 1s.; hogshead of molasses, 5s.; barrel of pitch, 2s.; barrel of tar, 1s.; cask of black soap, 3*d.*; gallon of distilled liquors, except rum, 4 $\frac{1}{2}$ *d.* Which was approved. Bill ordered to be brought in accordingly. Bill for measuring corn etc., read the first time.

Oct. 7. Bill for granting an additional duty to H.M. read with amendments.

Petition of several inhabitants of New York read, desiring the wharf between the Wall Street and Burgers Path may be ordained common and public landing-place, sent down, was returned with the concurrence of the House.

Act for measuring corn etc., read a second time. *Printed, and in places barely legible.* [C.O. 5, 1184. p. 1024.]

Oct. 6. **925.** Minutes of Council in Assembly of New York. Mr. David Jamison's objections (*see* Oct. 2) were read and referred. (*Entered.*) [C.O. 5, 1184. pp. 882–890.]

Oct. 7. **926.** Journal of Council of Trade and Plantations. Letter from Mr. Atwood, New York, Aug. 16, received and read.

Mr. Samuel Nash, attending as desired, in relation to that part of the project of a treaty with the Emperor of Morocco which relates to passes, declared that it would be more for the advantage of England, if the Article on that subject were wholly omitted, and that all ships belonging to H.M. subjects should be free from the capture of the Rovers of that country upon the sight only of their colours, or rather without any manner of condition whatsoever; because (said he) English ships are well enough known; and whatever occasion is given for an examination (whether colours, passes or anything else), will but serve those Rovers for a pretence and colour whereby to do the more mischief.

Letter from Mr. Addington, Aug. 12, read.

Memorial from Mr. Hodges, Oct. 6, read.

Letter from Lieut.-Governor Partridge, Aug. 15, read.

Oct. 8. Letter to Lieut.-Governor Nanfan upon the subject of the petition of John Wake etc., signed, and ordered to be delivered to the petitioners when ever they call.

Letter from Sir William Beeston, July 7, read, and the Naval Officer's Account therein mentioned laid before the Board.

Letter from Governor Hasket, July 19, read. Extract ordered to be made and sent with a letter to Mr. Secretary Vernon.

Letter from Mr. Yard, dated this day, read, and some directions were thereupon given in order to the preparing the Commission and Instructions, for a Governor to be sent by H.M. to East and West New Jersey, referred to therein.

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Oct. 9. Letter to Mr. Secretary Vernon, ordered above, signed and sent.

Mr Attorney General's report upon the Acts of Nevis, read. Some of the Acts referred to read and considered. [*Board of Trade Journal*, 14. pp. 173-177.]

Oct. 8. **927.** Governor Bennett to [? Mr. Secretary Vernon].
Bermuda. Duplicate of letter dated Aug. 28. (*No.* 797.) *q.v.* *Enclosed*,
927. i. Duplicate of *No.* 797.ii.
927. ii. Duplicate of *No.* 797.iii.
927. iii-vi. Duplicate of *Nos.* 797.iv.-vii. [*C.O.* 37, 25. *Nos.*
64, 64.i.-vi.]

Oct. 8. **928.** Council of Trade and Plantations to Lieut.-Governor
Whitehall. Nanfan. Two petitions having been lately presented to us in the name of John Wake and the owners of the *Elizabeth and Katherine*, we send you copies of them here enclosed. We do not pass judgment upon the case nor direct anything upon the prayer. But as we are informed that the Commissioners of H.M. Customs have given orders for the discharge of the said ship, and on other like occasions have not thought fit that the utmost rigour of the law should be exerted, but have given reasonable time for producing certificates of the registry of ships, where the equity of the case has required it, so for the general good of Trade and Navigation, we direct you to take care that there be no unfair stretching of the Law in cases of this kinde, nor in particular to the prejudice of these owners, and that no sinister motives (as is suggested by them) have any influence upon the proceedings that are made against them. And the better to prevent or remedy any such irregularity, we further require you to give us a full account of the state of this case, and of the proceedings that are made upon it, together with your own opinion upon the whole matter. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 1118. pp. 420, 421; and 5, 1079. *No.* 79.]

Oct. 8. **929.** Governor Bennett to William Popple. Refers to
Bermuda. letters enclosed for the Board of Trade and Mr. Secretary Vernon. "To prevent any of mine being opened and sealed up againe, is the reason I have made the impression of my seale in the margent, which shall constantly be the same. If any alteration happens, pray let me know it, that I may endeavour to detect that villany, which I am told has been to frequently practised in this country. *Signed*, B. Bennett. *Endorsed*, Reed. April 17, 1702. *Sealed*. 1½ pp. [*C.O.* 37, 3. *No.* 61; and 38, 5. pp. 199, 200.]

Oct. 8. **930.** Mr. Yard to the Council of Trade and Plantations.
Whitehall. Your Lordships' report concerning H.M. Provinces of East and West New Jersey having been laid before the Lords Justices, they direct that you prepare, as proposed, a draught of a Commission for a Governor to be sent thither by H.M. together

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with Instructions for him, and that you consult therein the Proprietors of those Provinces in order to their surrender of their pretended right to the Government there (which if they are willing to make, you are to accept of), and that you have the same in readiness to be laid before H.M. at his return for his consideration, that an end may be put to the great disorders that at present disturb those Provinces. *Signed*, R. Yard. *Endorsed*, Recd. Read Oct. 8, 1701. 1 p. [C.O. 5, 1261. No. 25; and 5, 1289. pp. 259, 260.]

Oct. 8. **931.** Minutes of Council of the Massachusetts Bay. Committee appointed to examine the accounts for fitting and repairing H.M.S. *Arundel* for her voyage home.

Mr. George Larkin presented H.M. Letter of April 14, 1701, and a duplicate of H.M. Commission for the trying of pirates, *etc.* [C.O. 5, 788. p. 98.]

Oct. 8. **932.** Journal of House of Representatives of New York. Act for paying the debts of this Government, made in the late happy Revolution, read the first and second time and committed.

Oct. 9. Amendments to the above Act—altering the duty on exported flour to 3*d.*, on soap to 6*d.* a firkin, and continuing the Bill till 1706, *etc.*, agreed upon. Act for quieting and settling the possessions of some inhabitants of Long Island passed with amendments.

Oct. 10. The House met and adjourned. [C.O. 5, 1184. p. 1025.]

Oct. 9. **933.** Mr. Addington to William Popple. *Refers to* Journal of Assembly, Acts and Minutes of Council, May–Oct., 1701, sent by H.M.S. *Arundel*, and acknowledges receipt of packets from the Council of Trade and Plantations, May 15 and 20. *Refers to deaths of Governor and Lieut.-Governor.* The Administration is rendered more difficult lying in the hands of the Council, and nothing can be ordered by a less number than a major part of them; but we are in hopes of H.M. Governor speedily to arrive, and it is a very great happiness to us that a war ‘not broke out during our unsettlement,’ the affairs whereof require a quicker dispatch than could possibly be given under such a constitution. We are making all diligent application according to our ability for the defence of H.M. interests by repairing and setting in order our Fortifications, particularly on Castle Island near Boston, where considerable new works are making by the directions and under the oversight of Col. Romer. We are extremely obliged to H.M. bounty in granting us a supply of powder, which is safely arrived. The General Assembly have some time since commissioned and instructed Wait Winthrop, Esq., to attend H.M. in quality of an Agent of this Province, but the intelligence of H.M. having appointed a Governour, and that his dispatches were preparing, put them on deferring that matter until their next Session, which is appointed to be on Oct. 15. Mr. Larkin arrived here this week, and the Council have assigned a day to advise with him about settling the rules

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and forms for proceeding in trials of pirates. *Signed*, Isa. Addington. *Endorsed*, Reed. Nov. 25, Read Dec. 5, 1701.

2½ pp. *Annexed*,

933. i. *Abstract of preceding*. 1 p.

933. ii. Copy of letter from the French Governor Brouillan, to Lord Bellomont. Aug. 8, 1701. *Duplicate of No. 785.ii. Endorsed*, Reed. Nov. 25, 1701. 2½ pp.

933. iii. Copy of a letter from the Council of the Massachusetts Bay to the French Governor of Nova Scotia. *Duplicate of No. 785.iii. Endorsed*, Reed. Nov. 25, 1701. 1¾ pp. [*C.O.* 5, 862. *Nos.* 78, 78.i.-iii.; and (*without enclosures*) 5, 910. pp. 3-7.]

Oct. 9.
Whitehall.

934. Council of Trade and Plantations to Mr. Secretary Vernon. Enclosing extract of letter from Capt. Hasket, Governor of the Bahama Islands, July 19. *Continues*:—These Islands lying before the Gulph of Florida and in the way of all ships that come out of the Bay of Mexico, it is of great consequence to us that they should be kept out of the hands of the French or Spaniards, and therefore that part of the letter which relates to soldiers necessary for their security, seems to be very worthy consideration. We have formerly applied to the Lords Proprietors about several matters relating to the Government thereof, but have not been able to dispose them to such compliance as was proper for H.M. service. We cannot expect any better success in the present occasion, and therefore desire you would please to lay this matter before their Excellencies the Lords Justices (as a business which we conceive the Lords Proprietors obliged both in interest and duty to take care of) for such direction to them thereupon as their Excellencies shall think fit. *Signed*, Phil. Meadows, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 1289. pp. 266, 267.]

Oct. 10.

935. Journal of Council of Trade and Plantations. Ordered that Mr. Richardson, a Barbary merchant, be desired to attend the Board on Tuesday next in relation to Morocco Passes.

Acts of Nevis further considered. Mr. Jory attending gave some answer to the Attorney General's objections against several of the said Acts, and promised to explain his sense thereupon more fully in writing. [*Board of Trade. Journal*, 14. p. 178].

Oct. 10.

936. Minutes of Council in Assembly of New York. The following Bills were sent up, read a third time with amendments, passed and sent down: (1) Act for encouraging the City of New York, (2) regulating fences in Ulster, (3) regulating elections, (4) repealing an Act for defraying the public charge etc. and appointing a more effectual means therefor and for maintaining the poor and preventing vagabonds, (5) confirming an agreement between Swartwont and Co. and Aertsen and Co., (6) obliging

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Robt. Livingston to account, (7) for allowance to the Representatives, (8) for settling and amending the highways and roads in Ulster, (9) for destroying Wolves in Ulster and Westchester, (10) enforcing the owners and possessors of unimproved lands in the county of Albany, Westchester, Richmond and Orange to pay their proportion of their quit-rents and taxes.

Resolutions agreed to upon the case of Swartwont and Aertsen.

Oct. 11. Col. Caleb Haethcoat, Capt. Tho. Hicks and Jonathan Smith took the oaths as Representatives. [*C.O.* 5, 1184. pp. 890-894.]

Oct. 11. **937.** Journal of House of Representatives of New York. Act for paying the debts of the Government read a third time. Several Bills sent down with amendments. The House not being able to agree to the amendments to the Act for encouraging the City of New York, desired a conference with the Council. *And see preceding abstract.* [*C.O.* 5, 1184. p. 1026.]

Oct. 12. **938.** Capt. Powell to the Council of Trade and Plantations.
King William Fort, St. John's. The party returned, but had no success in pursuit of the deserters. (*See* Oct. 5.) I consulted with my officers and we thought it convenient to send away a drum to the French Governor as a truce. Until then I was unwilling to list the complement of men as deserted, before I had an answer from him, to see were (? *whether*) he would exchange those I have man for man, but I have listed four whose names I shall insert. There has been several robberies committed here by French spys in running away with the inhabitants' fishing boats, which is to the ruin of them. I have positive orders from the Secretary of War, signed by the King's own hand, not to concern myself directly nor indirectly upon no account, which makes me very unwilling to concern myself with them, until I have further orders. We have a garrison here of 100 men, but no surgeon here: if a man should be wounded, he must onavoidly perish. There is not half arms enough for the men yt. is fitting for service, etc. *Signed,* John Powell. *Endorsed,* Recd., Read Dec. 2, 1701. *Addressed.* 1 p. [*C.O.* 194, 2. No. 50; and 195, 3. pp. 20-22.]

Oct. 13. **939.** Wm. Partridge to the Council of Trade and Plantations.
Portsmouth. Being given to understand that Mr. Usher is now bound for England, who formerly made complaint to your Lordships of sundry disorders in New Hampshire committed by myself and Messrs. Hinckes, Vaughan and Waldron, which your Lordships were pleased to order the Earl of Bellomont, our late Governor, to make exact enquiry into and report thereof to H.M., least Mr. Usher should renew his said complaints, as he has threatened here, I was willing to let your Lordships know that the Earl of Bellomont attended your Lordships' order in that matter, and upon his enquiry into these disorders, required our answers to Mr. Usher's complaints against us, which we gave to his

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Lordship's satisfaction and presume he has made a report accordingly, which we hope, if not miscarried, has given good satisfaction also to H.M. and your Lordships, so that we humbly hope that if Mr. Usher should now offer anything further in that matter, it may have no influence to our prejudice. *Signed*, Wm. Partridge. *Endorsed*, Recd. Read Dec. 11, 1701. *Addressed*. 1 p. [C.O. 5, 862. No. 81; and 5, 910. pp. 15, 16.]

Oct. 13.
Virginia.

940. Mr. Burwell to the Council of Trade and Plantations. I have received H.M. commands requiring my service as one of the Council of Virginia. It is my very great misfortune that upon this occasion it is not in my power to pay those respects of duty and obedience to H.M., which I have always been ambitious to do. I pray for your Lordships' intercession with H.M. that he will not insist upon his commands. *Pleads* sickness and lameness which make it impossible for him to attend. *Signed*, Lewis Burwell. *Endorsed*, Recd. Read Jan. 28, 170 $\frac{1}{2}$. *Addressed*. 1 $\frac{1}{2}$ pp. [C.O. 5, 1312. No. 16.]

Oct. 13.
Bethnall
Green, nigh
London.

941. Col. Jory to the Council of Trade and Plantations. Reply to the Attorney General's objections to Acts of Nevis. [See Oct. 3.] Act (2). All men undisciplined are unfit for service upon an expedition, therefore the Act makes provision twice a week for their exercise in arms, and there is no man upon the place but is listed in one of the Regiments of the Island, if an inhabitant, and if any man doth the King good service against his enemy, he hath an encouragement, which is allowed out of the public stock of the Island, as usual, and such a Law had never been consented to by the Chief Men of the Island of the place, if it had not the prospect of an universal good for all H.M. subjects, and St. Christopher's adjoining almost to Nevis, and the French living there, as doth the English, it should be highly necessary for sutch men desired to be equipped for H.M. service and the preservation of both and all the English Islands, for if one miscarries, the other are in great danger. Act (3). Will be undoubtedly for the quiet and peace of all H.M.'s subjects to establish them in their just rights against clamorous, letidius (? *litigious*), vexatius abusers of the good and wholesome Laws of this Kingdom, which maintains men in their rightful possessions if peradventure they had lost their deeds and grants by accidents of fire or water or wind, which many years past these Islands were often exposed to hurricanes, which threw down their houses and carried away most things of a light carriage by wind or destroyed by the rains, and may have destroyed many men's papers, but their just rights will continue by the validity of this Law, which if otherwise, they will be always exposed to every wicked man's molestation to their great expense and disquiet, and for intayled estates, I never knew any there, nor lunaticks or idiots.

Act (4). Nevis doth not abound with Papists, and to prevent

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their future increase they have made a law or ordinance many years past, that if any Irish servants should be brought there for sale, they should not be inforced to buy them; for about eleven years past when war with France, and the Island expected dayly to be attack'd by the French, the Irish Papists etc. joining in Council together, as was affirmed, to joyne with the French when landed, made the Government then make an ordinance for the banishment of all of them to Jamaica, which was accordingly done for the King's Island and subjects' security, and all people in general esteemed it well done for the preservation of all their estates to part with some; and to find out those that are suspected or reputed Papists, the intention of the Law is by tendering or administering the oaths ordained by law instead of the oaths of Allegiance and Supremacy, by which refusal they will be discovered, and noe law can be made too cautious to prevent their evils, and once sutch a law is made good, they will all depart soone, or comply to the oaths enjoined by law, which is fit all subjects ought to take that have their support under its Government. Act (5). This Act inforceth noe person whatsoever to bring servants from England or elsewhere to Nevis, and when any are imported there, men and women from sixteen to fifty years old, are by a law to serve but four years as servants and not slaves; if they have noe indentures, and have a reward of 400*lb.* sugar at the expiration of their faithful service, and there is no reason for kidnapping, for those public places of settlement; especially when the person that shall so doe will hazard his ruin, and the person that should buy any such spirited child shall by a precept from England be forced forthwith to deliver him or her without satisfaction, but *caveat emptor*. But such things are unrepresented these many years, if ever in this Island. But the late long wars and the sicknesses that hath frequently attended Nevis, hath very much dispeopled them, insomuch that there may be from twelve to twenty blacks to every white man, which is very dangerous, if they should be attacked by the French, and war's now supposed to be at hand, even to the loss of the King's Island, and ruine of all H.M. subjects there, for want of white men to be imported for their just purchase, and to prevent their blacks from cutting their masters' throats, or other surprizall of them, by reason of their weakness in number of whites, and when all is done, if the Law be granted, I do not see no great encouragement by the price prescribed to make masters of ships or merchants trading that way to endeavour any indirect means for the procurement of servants, to import to Nevis. And in war time, for want of white men, the Government are inforced to make choice of companies of the best blacks to be in posture of defence, lined between two companies of white one black company, which they would never do, had they sufficient of white men for the defence of H.M. Island and their own security. Signed, Jos. Jorye, Agent for Nevis. Endorsed, Reed. Read Oct. 14, 1701. 1 $\frac{1}{2}$ closely written pp. [C.O. 152, 4. No. 54; and 153, 7. pp. 242-246.]

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Oct. 13.

942. Journal of Assembly of Bermuda. Information being given that Capt. Dodsen had spoke some words reflecting on the Assembly as touching the Committee concerning the taking of affidavits, he was sent for, and denied the substance of the charge, and only acknowledged that he said he believed some persons had made affidavits to the Committee that they would not justify, whereupon the Assembly thought fit to dismiss him.

Resolved that an Act be drawn up to enforce every man that is owner or possessor of land to clean the public paths through his land, notwithstanding the late Act for amending the highways at the charge of the parish, the intent of the said Act being only for the levelling of rocks and amending of ruinous paths, that could not but with great expense and hardship be done at the privat charge of the owner of the land.

Oct. 14.

Put to the vote, whether the exportation of shoats,* turkeys and fowles shall be restrained or prohibited. Passed in the negative. Adjourned till the afternoon at the ringing the Bell. Act ordered to be drawn up for explanation and amendment of the Act intituled Additions and Alterations to the Act intituled an Act for repairing the highways.

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The above Act was read and passed. [*C.O.* 40, 2. pp. 278, 279.]

Oct. 13.

943. Minutes of Council of the Massachusetts Bay. H.M. Commission for the trying of pirates within the Province being first read, George Larkin presented the draughts of a Commission and Oath for a Register, of a warrant for conventing of pirates, *etc.*, which were read, and left in the hands of John Valentine, Public Notary and Register of the Admiralty. [*C.O.* 5, 788. p. 99.]

Oct. 13.

944. Journal of House of Representatives of New York. Address to H.M. read and ordered to be engrossed. Conference upon Bill for encouraging the City of New York appointed. Col. Heathcote, Capt. Thomas Hickes and Jonathan Smith having taken the oaths *etc.*, were ordered to take their places. Then Col. Heathcote produced a paper which he said contained the opinions of all three, and being ordered to sit down, refused, until they had a reply to the said paper, which the House ordered not to be read at this time, and thereupon they withdrew.

Act for the speedy repairing the Forts at Albany and Schenectady read the first and second time.

Amendments to several Bills agreed to and the Bills sent up.

Act for measuring corn *etc.* was read a third time and sent up.

Address to H.M. was read and signed by the Speaker and the whole House.

Act for granting an additional duty to H.M. was read the third time.

Col. Rutsen granted leave of absence.

* = shot, a small pig.—[*Ed.*]

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Act for repairing the Forts read a third time and sent up.

Act for settling some inhabitants of Long Island read a third time and sent up.

Address to H.M. sent up with a request to H.E. to transmit the same the first opportunity for England.

Oct. 15.

Proposal from the Conference on the amendment of the Bill encouraging New York agreed to. [*C.O.* 5, 1184. *pp.* 1027, 1028.]

Oct. 14.

Boston in
New England.

945. George Larkin to the Council of Trade and Plantations.

I arrived at Piscataqua the 4th instant, where my short stay gave me no opportunity of enquiring into the affairs of that Province, and had only time to view the fortifications, which to me seem very weak and inconsiderable, and the stores of powder very small, that in case of a war with France that Port from whence H.M. has an annual supply of Masts for his Royal Navy will be exposed to danger, and the people, as far as I can learn, are unable to be at the charge of making it defensible, having been at great loss and expenses in defending themselves during the two late Indian wars, and indeed keeping Mr. Allen, a Gentleman who has a very good character in these parts, out of his right. There is a great deal of timber transported from this place every year to Portugal.

I came to this place the 7th, and yesterday, after reading H.M. Commission, settled such forms of proceedings with some of the members of the Council as are to be observed in the trial of Pyrates. I have also left with them a form of the Articles, sentence, etc., but truly I believe they would have been much better pleased if your Lordships had sent them an Act of Parliament for encouragement of so beneficial a Trade. I don't hear of any pyrates that have been lately upon these coasts, but there are several that belonged to pirates' ships who lye skulking up and down the country, and not one as yet come in upon H.M. Proclamation. The Inferior Court for this Province was held last week, when I had the opportunity of seeing the method of their proceedings, which in my poor opinion are very arbitrary and irregular, and not agreeable with those used in our Courts of Judicature. As to the Laws of England, they abhor the very thought of them, and Acts of Parliament they look upon to be only obligatory wherein the Province is particularly named, though they will make us[e] of either of them to serve a friend, so that noone can tell what is Law and what is not, and there is little better to be expected until the Parliament shall think fit to take away this Charter, and H.M. shall be graciously pleased to send Judges of his own. There is not a gentleman that comes here upon any service for H.M., but what is really obnoxious to the people of the Country; they hate the very thought of a King or King by Government, and it is fear'd if some care be not taken for asserting H.M. power and right here and putting his orders in execution, they will in a short time set up a Government themselves. Some of them don't stick to declare publicly that they will oppose the landing of Col. Dudley,

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who I understand is appointed their Governour. Indeed I believe there may be several good-meaning people that have a kindness for the King, but they dare not shew it for fear of being ill-used. As to the Admiralty Jurisdiction, it is not in halfe the esteem here that the least Court Barron in England is, and those few proceedings that are in the Admiralty are framed according to the proceedings at Common Law. The close of last week I wayted upon the King's Advocate and the Register, and would have shewed them the manner of the proceedings in the Vice-Admiralty Courts in England, but I don't find that they are willing to go out of their old course, and this Government will not suffer the officers of the Admiralty to proceed in any cases but what relate to the Acts of Trade. There is scarce a merchant here but what is guilty of carrying on an illegal trade, and in short, the Courts protect them in it, for judgment is generally given against the King. I am informed that there was sometime since a Commission sent to this place from the High Court of Admiralty to examine touching some prizes taken during the late warr. Mr. Foster, one of the Members of the Council, and one Belcher, who victuals H.M. ships here, were summoned by the Commissioners, but refused to appear, and the produce of the prizes, which amounts to two or three thousand pounds, remains in their hands to this day.

I have been to see the Castle, which is a sort of a regular irregular place still, tho' Col. Romer has taken a great deal of pains and done his part. If H.M. would send some good officers and four or five hundred men, it would be capable of making a very good defence, if there should be occasion, and it might be a means to curb the insolencies of some particular people. If primogeniture and a superintendancy in their Church government were established here, it might in time be of some service. Here is a great many young men educated at the Colledge at Cambridge, who differ much in their principles from their parents; and there is a great many people in the Navigansetts Country that would willingly embrace the doctrine of the Church of England, but they want Ministers. I hope your Lordships will consider that I am an absolute stranger in this part of the world, and to give a particular answer to the enquiries delivered to me by your Lordships will require longer time than I can well stay, considering the expences I am dayly at and the small allowance. *Signed*, Geo. Larkin. *Endorsed*, Recd. Nov. 24, Read Dec. 2, 1701. 2 large pp. *Annexed*,

945. i. *Abstract of preceding*. 1 p. [*C.O.* 5, 862. *Nos.* 79, 79. i.; and (*without abstract*) 5, 909. pp. 486-491.]

Oct. 14.

946. Journal of Council of Trade and Plantations. Answer from Col. Jory to the objections made by Mr. Attorney General to several of the Nevis Acts was read. Some of the said Acts were also read and considered.

Mr. Richardson (*see* Oct. 10), being asked his thoughts about the Article in the Treaty with the Emperour of Morocco which relates to passes, declared in his opinion it would be more

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advantage of (*sic*) the English Navigation, if there were no such Article agreed upon ; that the settling of Consuls in that country (which would be the necessary consequence of such an Article) would give them great advantage, because the person of a Consul would always be as a pledge to them for anything they demanded ; and that since the Article is more for their interest than ours, we ought not to offer it, but let it alone to be treated of when they come to desire it. After which their Lordships gave directions for preparing a Representation to their Excellencies the Lords Justices upon that subject.

Oct. 15. Petition from Robert Bradenham, desiring an authentic copy of his effects seized in Pennsylvania, read and granted.

Mr. Lawton presented a letter from Mr. Penn, Aug. 26, with enclosures, which were read.

Representation upon that Article, in the project of a Treaty with the Emperour of Morocco, which relates to Passes, was signed and ordered to be delivered to Mr. Yard. [*Board of Trade Journal*, 14. pp. 179-181.]

Oct. 14. **947.** Minutes of Council of Bermuda. Ordered that the Committee to supervise the care of the fortifications do order the using and taking the lime for the reparations out of the lime-kiln lately burnt for building the Governor's House. Their receipt to be a sufficient discharge to the Treasurer.

Ordered that Joseph Hinson, William Harman and Thomas Burrows of Sandys Tribe be overseers to take care that Sandys Tribe Bridge be repaired and amended, to be paid as heretofore.

Elizabeth Penniston, daughter of Col. Wm. Penniston, declared that Mr. Samuel Harvey now here present repeated the words written in a paper here produced by Col. White :—

“Christian's a conjurer, Clipp Castle is another,

So is Ambition, the Christian's brother ;

By their Crafts and their Wits they have brought it about

That knaves are put in and honest men are put out.”

Harvey said that Doctor Starr told him. Dr. Starr owned that he might tell Mr. Harvey of the same, and believes he heard it from Col. Day. Mr. John Fowles says that he met Col. Day who ask'd him if he had not heard the news that a paper was seen or found put up, that the Christian was or is a conjurer, Clipp house or Castle or some such name was another *etc.* [*C.O.* 40, 2. p. 43.]

[? Oct. 15.] **948.** Robert Bradinham to the Council of Trade and Plantations. Petitioner was an evidence against the Pirates at the Old Bailey. He prays for a copy of the account of his goods by Governor Penn seized and sent over hither with Admiral Benbow. *Endorsed*, Recd. Oct. 15, 1701. 1 p. [*C.O.* 5, 1261. No. 26.]

Oct. 15. **949.** Minutes of Council of the Massachusetts Bay. Account for provisions for H.M. Castle and Forts referred to a Committee. Licence granted to John Beard to erect a timber building

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at the south end of Boston in the lane leading from the Fort hill southward.

Licence granted to William Tilley to erect an additional building of timber to his house at the south end of the Town by the Rope Walk. [*C.O.* 5, 788. *pp.* 99, 100.]

Oct. 15.

950. Minutes of Council in Assembly of the Massachusetts Bay. The Assembly attending, Wait Winthrop informed them of several letters received from England, and further observed that the ships bound for England intending to sail within a day or two, they must speedily prepare what applications to H.M. they should think fit to make, and that, not having dispatched what was under consideration at their late Session, it would be meet to begin where they then left. Letters and papers lately received from England sent down for their perusal.

John Usher presented a petition referring to his accompts as Treasurer in the time of Sir Edmund Andross, and the payment of what is due to him, with an answer to some exceptions made thereto by the Committee appointed to examine said accounts. Read and sent down.

Oct. 16.

The Representatives desired to have the perusal of the Court's Address and Memorial to H.M. and the Instructions for the Agent, which were agreed upon at their sitting in August past. The same were accordingly sent down. [*C.O.* 5, 788. *pp.* 323, 324.]

Oct. 15.

951. Minutes of Council in Assembly of New York. Address from the Representatives to H.M. sent up, with an Act for granting an Additional duty to H.M.; an Act for the speedy repairing of the Forts at Albany and Schenectady, and an Act for quieting the possession of the ancient freeholders of Hellgate Neck within the bounds of Newtown on Long Island (Nassau). The Secretary produced a letter directed to him intended a return of the High Sheriff of Suffolk of the writ to him directed for the election of Representatives:—"We the freeholders of this County finding that the writs presented to us for the election of other Representatives therein required do contain an infringement of our Liberties, not allowing us to chuse whome we think fittest to trust in that affair, and so may be a president for our further thralldome, wherefore we cannot at present incline to any further choice, having already elected for this Assembly too sufficient and legal persons, in our esteem, of approved fidelity unto H.M., who are no aliens but natural born Englishmen, and in their different capacities have served in many Assemblies, in time of wars, of greater concernment than this present Assembly is or can be of, and have acquitted themselves as faithful and upright both to the King's Majesty and to this Province, neither is this County as yet convinced of any fault that they have committed why wee should reject them." County of Suffolk, Oct. 8.

Ordered that an express be despatched with a summons for John Mulford, High Sheriff of Suffolk, to appear before this

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Board. Acts, for granting an additional duty, and for repairing the Forts at Albany and Schenectady, read the first time.

Letter to the Assembly from the persons elected to be Representatives of Westchester and Queen's County sent up, with the reasons of a Committee of the Representatives for prosecuting them :—The complaint and clamer of the people are so great that we think it very necessary and meet before we proceed to act with you that we and the people whom we represent have full satisfaction that you are a House legally and wrightly constituted. It is the common report that some of you have used very indirect and onwarranteabel menes to procure youres selves to be elected, and that on Aug. 20 the House consisted of 21 persons, wheare of the Speaker was one. Ten of the number did in the House chalings the Speaker to be unqualified for being an aliane and afterwards did repetet the same to the Governor, which they have allso given under their hands, oupon which heed the House being equally divided could give no decision. It appeares by your votes that ten of you with the Speaker thus sircumstanced have presumed to act, and to strengthen your number have vooted out sum of the other tenn, and tacken in tow others in their room, who are said not to be elected by the people, and that you are preparing to mack a Bill to deprive many of H.M. English subjects from their natef wright of voting for Assembly men, and the people in each respetef county from chusing pearsons to examine their own publeeke deptes. Till you give us furdur satisfaction and the Specker clear himself from being an Alian, we cannot act with you to sit and spend our time and the country's money to make Acts that will be void in themselves. *Signed*, Tho. Willet, John Tolman, William Willet. Sept. 13, 1701. Reasons of the Committee of the Representatives for prosecuting above. Sept. 23, 1701 ;—The above paper was subscribed before they had been in the House to observe any transactions there, and yet they presume to take upon them the judgment of the qualifications of members and to take notice of the proceedings of the House, which is a manifest breach of its privileges and of dangerous example. They reflect not only upon this House but upon the Governor, who approved of the Speaker. As to the affair of Aug. 20, the truth is thus. On Aug. 19 the House being ordered to proceed to chuse their Speaker ten of the twenty-one chose Mr. Abraham Gouverneur, against whom there was then no objection upon suspection of his being an alien, and nine endeavoured to chuse Mr. Nicoll, but the election having fallen upon Mr. Gouverneur, the whole house in a body presented Mr. Gouverneur to the Lieut.-Governor in Council, where Mr. Gouverneur would have disabled himself, but the Lieut.-Governor, finding no objection from any one member, approved of the choice which then appeared to be unanimous, upon which they returned to the House, and an objection being made against Mr. Nicoll and Mr. Wessells as chosen contrary to a late act and therefore not qualified to serve, they, as was usual, were ordered to withdraw till that matter should be determined,

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and yet they two with other eight came the next morning and then objected against Mr. Gouverneur, as if they had been informed since that Mr. Gouverneur was an Alien, and yet they could not but know that the same objection had been made in a former Assembly, when it appeared upon examination that he is within an Act of naturalisation, which has never been repealed, notwithstanding which the two who had no authority to act as members, till the question concerning their capacities to sit was over, together with other eight, had the assurance to go in a body to the Governor to complain of a matter wherein they had concluded themselves, besides that their objection if made in time could have had no effect, and since that, as we are given to understand, not only by this paper but otherwise, they put their complaint in writing, and have sent the same to England, after which we desire that enquiry may be made in order to the punishment of such seditious practices. These persons are guilty of a great contempt of H.M. writ in pursuance of which they were chosen, and refuse to act without such conditions as they well knew would not be complied with, nor can without admitting that those three ought to govern the House, and that the votes of the far greater part ought to yield to those three, who while they argue that the House could not decide the question concerning the Speaker, are so inconsiderate as not to observe that the question had been over, and the due qualifications of the Speaker agreed to by all in effect, and that when the objection was first started, there were but eight persons qualified to object against not only the choice of ten but the submission and approbation of twenty. These persons having in their barbarous language used these words, "Till you give us further satisfaction and the Speaker cleare himselfe from being an Aliane, we cannot act with you to site and spend our time and the contre's money to make actes that would be voyd in themselves," would not only really infer that their satisfaction is requisite to the making the Acts of this Assembly of force, but are guilty of a high contempt of that authority by which it sits and acts, disowning that authority and labouring to stir up the people of this Province to sedition, and give advantage to a foreign power upon divisions purposely raised by them and their accomplices.

The Attorney General was ordered to prosecute the said persons at the next Supreme Court.

Oct. 16. Bill ordered to be brought in for supplying the defects of the Act for settling the Militia.

Oct. 17. The above Act read the first and second time and committed, then read a third time, passed and sent down.

Act for payment of the debts of the Government made in the late happy Revolution, sent up, was read a first time.

Acts for granting an additional duty to H.M. and for the speedy repairing the Forts of Albany and Schenectady were read the second and third time and passed.

David Jamison summoned to appear to-morrow. [C.O. 5, 1184. pp. 894-903.]

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Oct. 16.
Boston.

952. Col. Romer to the Council of Trade and Plantations. [Aug. 8.] Refers to deaths of Lord Bellomont and Lieut.-Governor Stoughton. I have been working at the fortification of Castle Island since May 14. This work is in danger of being lost without the intervention of H.M. and your Lordships. The simple truth is that the people employed do not understand military orders and are incapable of defending a place of this importance; they have no discipline or subordination and Jack is as good as his master. A good officer with 150 men and subalterns are needed for the defence of their new Fortification and 50 canons *etc.* (*details enumerated*). Some time past four French ships arrived at Port Royal in Accadie, with a new Governor named Brouillion, a man of quality, with 600 men. The French from time to time send spies amongst us, and for a year past there has been in our neighbourhood here a French Captain named Bonaventure, who takes all the informations of our Bay and approaches in general, without notice being taken of him, but, on the contrary, he had the entire freedom of this Province anywhere he wished for some months. Some weeks ago there arrived at Boston a sloop from Port Royal in Accadie with the French flag, and a Lieutenant named de Feinville, four men and a boy on board. She had visited all our coasts before coming here. The Lieutenant was a clever man, and brought a letter from the Governor of Port Royal to Lord Bellomont. They knew as well as we did that he was dead. It's contents I do not know; as far as I can find out it requested two cows, six sheep and some pounds of groceries; which would imply that a Governor (a man of quality, as he is termed) recently arrived from France would not have brought any groceries from Europe, knowing that they do not grow in Nova Scotia. I refer to your judgment whether we should not think him an open spy. *Makes request for "riding wages" promised him by Lord Bellomont.* Besides my long and troublesome journeys among the Barbarians, I am obliged to act as Master of Fortification everywhere without the least assistance, to be a slave in my old days, having no manager, with people inexperienced and of a very touchy temper, I am obliged to act as Master-Mason, Carpenter and so forth, and receive every day a thousand annoyances, and am hated by the people because I call the Fortifications the Fortifications of the King, of which they are very jealous. I am still afflicted by a very troublesome accident, which is, without any other, a Conquest of America, and unless I find some remedy, I shall die like a wretch. Lieut.-Governor Nanfan shows his annoyance because I am at Boston, and as I cannot divide myself in two, I can only be at one place at a time. However, I have begged him in several letters to make provision of materials at Albany, *etc.*, for the summer, but I find very little or no advance made, so that that will take perhaps another summer. To advance this business I shall go in a fortnight to New York. I began this letter Aug. 8, but had no time to finish it. *Signed, Wolfgang Willm. Römer, Boston, Oct. 16, 1701. Endorsed, Recd. Nov. 25, 1701. Read Jan. 8, 170½. French. 3 pp. Annexed,*

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952. i. *Abstract of preceding.* 1 p. [*C.O.* 5, 862. Nos. 80, 80.i.; and (*without abstract*) 5, 910. pp. 173-179.]

Oct. 16. 953. Minutes of Council of Bermuda. Act about assigning over Plantation Bonds passed. The Assembly adjourned till Jan. 15. [*C.O.* 40, 2. p. 44.]

Oct. 16. 954. Council of Trade and Plantations to the Lords Justices. Whitehall. In obedience to your commands (Sept. 30), we humbly represent that the producing of passes to the Commanders of the ships of yt. Country (*Morocco*) will not be any greater evidence to them of English ships than the view of their built, colours and men, all wch. those people are sufficiently acquainted with; but that the granting them a liberty to come aboard and visit English ships will be a means to furnish them with new pretences and cavils wherewith to colour their violences. The settling of consuls in those parts, which may probably be the consequence of such an article, is not only esteem'd by our merchants a great charge upon their trade, but will also give unto those people upon occasion of any difference with us a great advantage, which they will not fail accordingly to improve by seizing the person of such Consul as a pledge, till they receive satisfaction upon their own unreasonable demand. And for these reasons we humbly offer to your Excellencies that the Article relating to Passes (which seems to be for their advantage) may not be inserted in the present Treaty. But if in any future occasion they insist upon an article of yt. kind, it may be used as an argument to obtain the better terms from them upon any other point which may be in controversie. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Trade Papers, 15. pp. 236, 237.]

Oct. 16. 955. Journal of Assembly of Bermuda. Act, amending the Act for repairing highways, was sent up and returned passed with amendments, which were consented to.

Additional Act for preventing bastardy was returned not passed. Act for assigning Plantation Bonds to the party suffering by breach of the condition, was returned with amendment. The Assembly adjourned till Jan. 15. [*C.O.* 40, 2. pp. 279, 280.]

Oct. 16. 956. Journal of Council of Trade and Plantations. Letter from Mr. Larkin, Aug. 20, read.

Letter from Capt. Graydon, Sept. 20, with enclosures, read.

Letter from Capt. Powel, Sept. 20, read.

Letter from Mr. Broughton, Attorney General at New York, Sept. 3, read.

Letters from Col. Codrington, Aug. 18 and 20, read.

Oct. 17. Capt. Graydon's answer to the queries relating to Trade and Fishery of Newfoundland read. [*Board of Trade.* Journal, 14. pp. 182-184.]

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- Oct. 16. **957.** Journal of House of Representatives of New York. The House met and adjourned.
- Oct. 17. Act for removing the Courts now to be held at Westchester to East Chester read the first, second and third time.
Act for settling the Militia read the first and second time, and committed three times, read a third time and passed with amendments and sent up. Several Acts sent up. *See preceding abstract, No. 951.*
- Oct. 18. Ordered that H.E. have a copy of the Earl of Jersey's letter to the late Earl of Bellomont relating to Mr. Leysler and his petition to H.M. signed by the Speaker, and that the Speaker keep the original. [C.O. 5, 1184. p. 1028.]
- Oct. 17. **958.** Minutes of Council of the Massachusetts Bay. Capt. Southack was ordered to lay up H.M.S. *Province* galley for the winter and discharge the crew. [C.O. 5, 788. p. 100.]
- Oct. 17. **959.** Minutes of Council in Assembly of the Massachusetts Bay. Resolve of the Representatives sent up, that the Address and Memorial of this Court to H.M., *mutatis mutandis*, be sent to Constantine Phips, with what other applications this Court shall see needful at this Session to make to the Court at home, with the desires of this Court, that he will prefer the same and solicit the matters therein contained, on behalfe of this Province, and that 100 sterl. be paid him as a further acknowledgment of his service as Agent. Agreed to and signed. Message from the Representatives sent up, desiring that in the Address to H.M. it might be inserted, that the Court had appointed an Agent to attend H.M. referring to the affairs of this Province, but intelligence arriving before his dispatch, that H.M. had appointed a Governor, and that he might be speedily expected here, they had deferred his setting forward, that so they might have the advantage of the Governor's advice and directions in further humble Representations and Supplications; also desiring that in the Address notice might be taken of the Bill lying before the House of Lords for the vacating of Charter Governments. Address to H.M. and Letter to Mr. Phips considered in Committee.
- Oct. 18. Address to H.M. and Letter to Constantine Phips, past by the Representatives and sent up, were read and agreed to, and, with the Address agreed upon Aug. 9, *mutatis mutandis*, being fairly transcribed, were severally signed by the Council, and by Mr. Speaker in the name of the Representatives. The Representatives desiring a day of Public Thanksgiving throughout the the Province, Nov. 20 was agreed upon as a suitable day.
Resolve of the Representatives concurred with, that the Committee, formerly appointed to grant Debentures upon claims of debts contracted by the public in time of the Government of Sir E. Andros, be revived until Jan. 17.
And see abstract of Minutes of Council Oct. 22.
Resolve of the Representatives, that Col. Romer be earnestly desired (if by any means he may) to continue his direction and

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assistance in directing the fortifying Castle Island, until it be finished, agreed to.

Resolve of the Representatives concurred with, that the several hearings appointed to be attended the present Session of this Court, be attended the first Friday of the next Session thereof, the several parties to be notified by the Representatives of the respective Towns.

Report of the Committee appointed June last to run the line between Dedham and Natick sent up. Resolved that the boundaries be settled accordingly.

The Court was prorogued till Dec. 10. [*C.O.* 5, 788. *pp.* 324-328.]

Oct. 18.

960. Minutes of Council in Assembly of New York. Amendments, made by the Representatives to the Bill for supplying the defects in a late Act for settling the Militia, agreed to. As also the amendments made to the Bill for encouraging the City of New York.

Mr. Jamison appeared, but offered no further reasons against passing the Bill for confirming the Bill between Swartwont and Co. and Aertsen and Co.

Petition of Jacob Leisler, praying the Bill for paying the debts of the Government may pass this session, read. Which petition was favourably received by the Governor and whole Council, no man objecting against the matter of the same, only forasmuch as the Assembly had sat very long, and it was reasonable it should be at present dismissed, the further consideration of the same is respite to the next sessions of the Assembly.

The Governor gave his consent to the 10 Bills passed Oct. 10, and also to Acts granting an additional duty to H.M., for repairing the forts at Albany *etc.*, and supplying the defects of the Act for settling the Militia.

The Governor summoned the Assembly and desired their attendance to the City Hall to have the Acts passed published, and prorogued the Assembly to the third Tuesday in March. [*C.O.* 5, 1184. *pp.* 903-905.]

Oct. 20.
New York.

961. Lieut.-Governor Nanfan to the Council of Trade and Plantations. Just now came the enclosed to my hands express from the Governor of Virginia, wherein your Lordships will see what assistance we are like to expect from that Colony if at war. Mr. Penn writes me to the same effect from Pensilvania. I had them hastily transcribed, being unwilling to miss this opportunity of transmitting them to your Lordships, the post just returning to Philadelphia, and Mr. Penn immediately going for England. Not having time at present, cannot add any particulars of what has been transacted here, only that the Assembly have granted to H.M. an additional duty for two years, and have borrowed 200*l.* out of the money raised for Onondage to repair Albany and Schenectadah. I passed some other bills which I take to be purely for the public peace and welfare of this Province, and hope they will be thought so by your Lordships. I prorogued

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the Assembly the 18th inst. to the 3rd tewsday in March, and by a vessel will sail hence for England in some time, I will transmit your Lordships particulers of what has occurred with the bills. Our Indians continue firm in their allegiance to H.M. and in friendship to us. No Col. Romer as yet. *Signed*, John Nanfan.

P.S.—I must acknowledge receipt of duplicates from your Lordships of April 29 and May 7 and your letter of May 20. *Endorsed*, Recd. Dec. 26, 1701. Read Jan. 15, 170 $\frac{1}{2}$. 2 $\frac{1}{4}$ pp. *Enclosed*,

961. i. Abstract of preceding. 1 p.

961. ii. Governor Nicholson to Lieut.-Governor Nanfan. Virginia Royal College of William and Mary. I have with an unwearied diligence again and again prest unto them [*the House of Burgesses*] to comply with the subject matter of H.M. letter (*Jan.* 19) which you sent me, and in the end they came to this resolution, that considering the public engagements and debts this country at present lies under, they are not in a condition to furnish the 900*l.*, and that considering further the necessary provision which this Colony will require from time to time for the security and defence thereof, being a large, open and defenceless country, they are in more want of assistance themselves than capable to afford it to others. And as to the quota of men, it is the opinion of the House of Burgesses of this Colony, that to send a detachment of men from hence would not onely be very prejudicial to H.M. interest at home, but also endanger much the safety of this Dominion. *Refers to enclosure*. By all which it is evidently manifest that there is not the least ground to depend upon having any assistance from hence of men. This letter by advice of H.M. Council, Oct. 2, 1701. *Signed*, Fr. Nicholson. *P.S.*—The Assembly is this day prorogued till Nov. 12, not knowing what may happen from England. But hope there will be no occasion of their meeting till the Spring, the winter season being very inconvenient for holding Assemblies. F. N. *Endorsed as preceding*.

961. iii. Copy of Minutes of Council of Virginia, concerning their refusal to send assistance to New York. Sept. 18, 19, 1701. *Same endorsement*. 2 pp.

961. iv. Extract of letter from Governor Penn to Lieut.-Governor Nanfan. Philadelphia, Oct. 18, 1701.—“Yet could not be prevailed with to think of any supply for the Fort, being extremely in arrears to the public, and the Lower Counties very poor and long indebted to the merchants and their staple (tobacco, and none of the best), never lower, and indeed the Engineer being absent, and the country now inaccessible, and our own low circumstances make up some excuse for them; and the negative of Virginia to their part will render it more difficult everywhere, considering the dignity of that Colony and the vigour of their Commander in Chief

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to pursue the advices from home." *Same endorsement.* $\frac{3}{4}$ p.

961. v. Duplicate of preceding. 1 p. [C.O. 5, 1147. Nos. 3, 3.i.-v.; and (without enclosures) 5, 1119. pp. 63-65.]

Oct. 20.
New York.

962. Wm. Atwood to the Council of Trade and Plantations. Refers to letter of Aug. 15. *Case of Wake's ship*. My Commission as Chief Justice subjecting me to ordinances of the Governor and Council, I prevailed with them to appoint ye Supreme Court to be holden for ye hearing and determining the question of the legality of that sentence of the Court of Admiralty discharging that ship, and it being considered that one of the persons designed for a Judge in the Supreme Court was ye person who, as Deputy, had given sentence in favour of ye ship, and ye other was a merchant who might be concerned in interest, the Governor thought fit to suspend the granting their commissions till this matter should be over in ye Supreme Court, and therefore the enclosed ordinance was made empowering me alone to hear and determine this matter. This I conceive to be agreeable to the ordinance for establishing the Court, which provides that a Supreme Court shall be held and kept at New York, which Supreme Court is fully empowered to have cognizance of all pleas, civil, criminal and mixed, as fully and amply as the Courts of King's Bench, Common Pleas and Exchequer in England have or ought to have, but makes no provision for any certain number of Justices: out of the office of which Supreme Court all process is to issue under the test of the Chief Justice of the said Court, wch. does not necessarily imply that there must be more than one; nor, as I conceive, can the Chief Justice within the Province be disabled from acting upon ye death or amotions of ye other Justices, any more than the Chief Justice of England. Besides, tho' my Commission mentions my power together with the other Justices of the Supreme Court or a quorum thereof, (1) neither then nor when I sat upon this cause was there any other Justice, (2) there never was any provision for a quorum, unless by an expired Act of Assembly. (3) The Commission expressly relates to the ordinance for establishing ye Court, which has no provision for any more than a Chief Justice, who as Chief Justice in the Province may be so in relation to other Courts. And since the assistance of other Justices is required only according to that ordinance, wch. requires no assistance, as there's nothing in the ordinance to restrain the Chief Justice, neither is there in the Commission. However, ye Commission equally relates to subsequent ordinances, and according to that of Aug. 15, I alone am fully empowered. Further yet, the Supreme Court, as appears above, has full conusance in these matters, and by a special clause in my Commission, inserted by the advice of your Lordships, I have full power to hold the Supreme Court at such places, times as the same may or ought to be held within the Province. Being, as I conceived, sufficiently empowered to hear and determine this matter, the suggestion being solemnly argued by Council on both sides, I having taken due time to compare the

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authorities cited, and to collect others which I produced at large, gave judgment for a prohibition as to a certain bond mentioned in the suggestion, which the Admiralty Court had taken to be such a composition as ought to discharge ye forfeiture. My argument herein I hope to transmit to your Lordships before the cause can be argued in England, whether 'tis removing by an Appeal from the judgment of Council here in affirmance of mine. I must observe to your Lordships that after they had owned the jurisdiction of the Court, demurring only upon the supposed insufficiency of the suggestion, and, by agreement entered in Cort, were to insist on nothing but ye merits, yet they, besides the general error, before the Governor and Council assign specially that I had no authority and that the determination was *coram no judice*. Gives an abstract of his arguments in the Supreme Court. Tho' a great clamour was raised against a sentence of mine in the Admiralty Court against another vessel, wch. loaded goods on board without having been registered, that sentence is at peace and the vessel is upon sale. For some others, which seem to have incurred forfeitures, by direction of the Governor, time has been given for such proofs as ye circumstances of the several cases require. In a short interval of public business here, I went to Burlington where I published my Commission for West Jersey and took the oath etc. in Council before Col. Hamilton, whose authority in the other Jersey is much disputed. The affairs of the Supreme Court, the Chancery, the Admiralty and the Assembly here, wch. arose on Saturday, rendered it impossible for me till now to go to Connecticut, Rhode Island, Boston and New Hampshire, and tho' a severe season is approaching, I am not discouraged from going to those, and indeed, through the neglect and frauds of the officers of the Customs, I am not likely to have anything brought before me in ye Admiralty Court there. A late scandalous composition at Boston makes it my duty to prevent the like for the future. Several here cannot well bear with the execution of the Laws of England; yet I hope I have hitherto maintained their credit in these parts, and the Assembly, as an evidence of their approving my endeavours, have added 70*l.* a year to my salary during the continuance of the additional duty. I have not yet applied myself to the Governor and Council to know from what time they will think fit my salary should commence, but Col. Depeyster, who was in the place from about Christmas last, barely for necessary process, without pretending to judge in any cause, not expecting any salary, I submit it to the consideration of your Lordships whether it may not be reasonable that which I receive here should be from Christmas, as 'tis in England, or at least from ye date of the Colonel's Commission.

Permit me further to acquaint your Lordships that this City is miserably divided, and had not I prevailed, if I have yet prevailed, on the party who think themselves aggrieved for not being returned Aldermen and Assistants, not to resolve to right themselves as they had threatened, but to take a legal method, there had hardly been the face of a government in ye City. But at my perswasion they have prosecuted mandamus's, and yet

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would have anticipated the judgment of the Supreme Court by the presentment of a warm part of a Grand Jury, which presentment I found reason to set aside for ye uncertainty. But, as I undertook, perswaded the Governor and Council to grant an adjournment of the Supreme Cort to the 25th day of ye next month, in order to determine that and other matters depending. Since which something of a very extraordinary nature has hapned, several of the members of this Assembly having been turned out for absolutely refusing to act after they had been sworn and had chosen their Speaker, whom they unanimously presented to the Governor; in the room of three, others were chosen, who came into the House with a protestation against it's proceedings, and departed to their countries. These the House of Representatives desire to be prosecuted by the Attorney General: their reasons for which they have sent to the Governor and Council. After this ye writ from Suffolk County was returned unexecuted, with an insolent paper sent by the Sheriff as ye sense of the freeholders who then met. The Council are upon enquiring after the authors of this, and I doubt not will direct prosecutions against them, yet I must say I find a backwardness where I did not expect it. Your Lordships cannot but be sensible that these things are not to be suffered in any Government, and while I am discharging my duty, I doubt not of the favor and protection of your Lordships. *Signed*, Wm. Atwood. *Endorsed*, Recd. 8th, Read Jan. 22, 170 $\frac{1}{2}$. *Holograph*. 8 pp. *Enclosed*,

962. i. Abstract of preceding. 2 pp.

962. ii. Copy of Mr. Atwood's Commission to be Chief Justice of New York, Aug. 5, 1701. *Signed*, M. Clarkson, Secretary. *Endorsed*, Recd. Jan. 8, 170 $\frac{1}{2}$. 1 p.

962. iii. Minutes of Council of New York. Aug. 15, 1701. *Endorsed as preceding*. *Copy*. 1 p.

962. iv. Copy of a suggestion exhibited to the Supreme Court of New York relating to the Admiralty Court's discharging Captain Wake's ship. Aug. 23, 1701. Thomas Weaver, Collector and Receiver, appearing in Court on Aug. 15, stated that whereas John Wake, master of the *Elizabeth and Katherine* of London, did import goods into New York (July 17, 1699), without making due proof of a Register according to the tenour of the Act for preventing frauds etc., sentence was passed in the Court of Admiralty, June 13, 1701, that, it appearing to the Court that the said ship was in 1699 seized by the then Naval Officer for the aforesaid fact and by him compounded for, the ship cannot be again seized and informed against for the same, and that she be accordingly discharged. This sentence was founded on a bond by John Wake to produce the certificate of his register or to surrender the ship within nine months. Now forasmuch as the said Naval Officer had no authority to compound for the King's part of the said forfeiture, and if he had any such authority the said bond cannot nor ought by any construction of Law to be deemed and

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taken for a composition, and no other composition being alledged and the said sentence being manifestly against Law, and to the great damage as well of H.M. and the Governor as of Thomas Weaver, the Informer, he desires remedy, and a writ of H.M. of prohibition to the Judge of the Court of Admiralty to be directed to prohibit him that he the pleas or anything concerning the premisses before him further should hold, and that the sentence and decree aforesaid of the said Thomas without delay should be revoked. *Endorsed*, Recd. Jan. 8, 170 $\frac{1}{2}$. 3 $\frac{1}{4}$ pp. [C.O. 5, 1047. Nos. 4, 4.i.-iv.; and (without enclosures) 5, 1119. pp. 65-74.]

Oct. 20.
Jamaica.

963. Governor Sir William Beeston to the Council of Trade and Plantations. According to the reports wee have had here, wee have for some weekes past expected the arrival of the squadron with Mr. Bemboe and my successor in the Government ; but none of them yet appears, nor any farther advice when we may expect them, though it's reported for a truth here that about Sept. 20 about 26 sayle were seene a few days distance to windward of Martinica, which, if true, must be a French squadron. However, I dayly use my best endeavours to put the place into the best position for defence that I can. We have finished the round tower, and the line at the Easter end of Port Royall, on which is mounted twelve whole long culverings, and the line below it of 16 guns is also finished all in a good stone worke, and I have caused all the Bays, where there is landing at Old Harbour, to be entrench't ; and we are now, by a resolution of a Council of War, intrenching the Town of St. Jago with a good trench, regular works, and bastions, all but the River, which runs along the East side of the Towne, and have every day 500 men negroes at work on it, and it goes on vigorously, but I cannot hope to see that quite finished, but must leave it to my successor. It was thought necessary to do this, because we may reasonably guess if an attempt be made on this place, it will be with such a force as will think able to carry their point, and if so, and they by their numbers may force their landing before our strength can draw together, and oblige us to retyre, and if upon such retirement they should scatter into the country and plantations, it will not only be hard to get them together again, but also the country and people will be left open to the ravage of the enemy, who otherwise will not dare to venture into such a hazard, and leave such a fastness and strength behind them. I hope therefore, if there shall be any such occasion, that it prove of good use, being a place where there is plenty of lodgings, provisions and water. Here has been a scourvey, scattering sickness again, these last two or 3 months, wh. tho' it has not proved very violent, yet has carryed off several of the inhabitants and about 60 officers and souldiers, of Sir Henry Bellasis regiment of foot. The French are yet very civil when they meet any of our vessels at sea, but expect a warre, and seeme to be ready to prosecute it soe soone as they have liberty soe to doe.

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Here is else nothing worthy the troubling your Lordships about, else you should have received it from your most obedient and humble servant, Wm. Beeston. *P.S.*—I have been this day at Port Royall to name the New Fort, in which wee drank H.M. health, fyred several pieces of cannon and called it Fort William. *Endorsed*, Recd. Read Jan. 24, 170 $\frac{1}{2}$. *Holograph*. 1 p. *Enclosed*,

963. i. Abstract of preceding. 1 p. [*C.O.* 137, 5. No. 59; and 138, 10. pp. 321–323.]

Oct. 21.
Whitehall.

964. Mr. Yard to the Council of Trade and Plantations. The Lords Justices refer enclosed letters, from the Judge of the Vice-Admiralty of the Bahama Islands, for your opinion upon the matter. *Signed*, R. Yard. *Endorsed*, Recd. Read Oct. 23, 1701. 1 p. *Enclosed*,

964. i. Tho. Walker to [? the Lords of the Admiralty]. New Providence, Oct. 21, 1700. Acknowledges his Commission and Instructions (*see* 685 ii. *etc.*), which he promises to execute faithfully. *Signed*, Tho. Walker. *Copy*. 1 $\frac{3}{4}$ pp.

964. ii. Tho. Walker to [? the Lords of the Admiralty]. Carolina, Feb. 19, 1700 (1701). The Deputy Governor of the Bahamies and his Council are in open contempt and in opposition against the Vice-Admiral's Commission (and mine), and do hinder the people of the Island from paying the royalties of wrecks *etc.* to the Vice-Admiral. They have voted in Council that the same shall be paid to the Lords Proprietors. The Dep. Governor has lately attempted to murder me and the Vice-Admiral, but I have warily prevented him, and for the better maintaining and upholding the power of our Commissions (and collecting and securing the King's royalties and dues of wrecks) I have imbarqued upon a vessel of my own well victualled and manned for the King's service, and am in my passage to Virginia to Governor Nicholson, there to crave the aid and assistance of a man of war, if any in his Government, to come to the Bahamies, in order to suppress the opposers of our Commissions, and stand by the Vice-Admiral until he has brought the people in due subjection, to pay the King his dues, and will be obedient to our Commissions (and the charge of the present voyage I am at myself), and hope to be in Providence again in a month's time. *Signed*, Tho. Walker. *Copy*. 1 $\frac{3}{4}$ pp. [*C.O.* 5, 1261. Nos. 27, 27.i., ii.; and 5, 1289. pp. 291–297.]

Oct. 22.

965. Journal of Council of Trade and Plantations. Draught of a Commission for a Governor of New Jersey considered.

Oct. 23.

On the petition of Jeronimy Clifford, praying to inspect the Books in the Office relating to Surinam, ordered that he be told that if he can name any particular paper, or any particular matter of fact that he wou'd have enquired into, it shou'd be done, but

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that their Lordships do not think fit to permit the inspection of all the Books.

Letter from Mr. Yard, Oct. 21, read. Ordered that Mr. Thornburgh be desired to inform the Board what title the Lords Proprietors of the Bahama Islands have to wrecks, jetsam, floatsam, etc., and how that title is grounded.

Oct. 24. Letter from Mr. Blathwayt, Oct. $\frac{17}{28}$, with copies of some letters relating to the French Fleet in America, to their settlement at Mississippi, to their woollen manufactures in France, and to their agreement with the Spaniards for negroes, read.

Draught of Instructions for a Governor of New Jersey considered. [*Board of Trade. Journal, 14. pp. 185-188.*]

Oct. 22. **966.** Minutes of Council of the Massachusetts Bay. Joseph Arnold of Boston, mariner, retained in H.M. service as gunner at the Castle.

Proclamation signed appointing Thursday, Nov. 20, for a day of General Thanksgiving.

55*l.* paid to Mr. Increase Mather for one quarter of a years' service as President of Harvard College, ending July 6, during which time he resided at Cambridge.

The Assembly having voted that a piece of plate, value 20*l.*, be presented to Col. Romer, and a piece of plate, value 10*l.*, to his son, in grateful acknowledgment of his great service in directing the fortifying Castle Island, and that the Representatives of the Town of Boston take care to see it effected, ordered accordingly.

30*l.* each paid to Thomas Brattle and Capt. Timothy Clarke towards acknowledgment of their services in their directing the laying out the money already disbursed towards fortifying Castle Island.

Warrant to the Treasurer, to remit 100*l.* sterl. to Constantine Phips and 60*l.* to John Champante, signed.

The Assembly having ordered that Josiah Parker and the Administratrix of the estate of Jacob Amsden, late of Cambridge, deceased, Fermers of the Excise in the County of Middlesex, 1698, be abated 3*l.* out of what is owing from them to the Treasury, being so much agreed to be paid by Henry Cookery of Charles-town, Alehouse Keeper, for his excize in that year, wch. was afterwards remitted to him by the General Assembly, warrant signed accordingly.

Oct. 23. Licence granted to John Baker to erect a timber dwelling-house on his land on the North side of the Mill Creek in Boston, being part of that vacant land of late belonging to John Jepson. [*C.O. 5, 788. pp. 101-103.*]

Oct. 23. **967.** William Popple to Mr. Tho[r]nburgh. A complaint
Whitehall. having been laid before the Lords Justices about the opposition the Judge of the Bahama Islands meets with in recovering H.M. share of wrecks, etc., and by their Excellencies referred to the Lords Commissioners for Trade and Plantations, they desire you to let them know immediately what title the Lords Proprietors

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of the Bahama Islands have to wrecks, jetsam, floatsam, lagan and such royalties, and how that title is grounded, in order to which you are desired to produce to their Lordships a copy of the grant of the said Islands, or at least of such clauses as may have relation to the aforesaid matters. [*C.O.* 5, 1289. pp. 297, 298.]

- [Oct. 23.] **968.** Petition of Jeronimy Clifford to the Council of Trade and Plantations. Petitioner and his father, Andrew Clifford, being inhabitants in Surinam, when that Colony was surrendered by the English to the Dutch, upon the Articles of Capitulation, 1667, whereby petitioner and his father became intitled to the benefit of those Articles and Treatys of Peace 1667, and 1674, they have since suffered by the Government of Surinam several great injuries and damages both in their persons and estate, contrary to those articles and treaties. Prays for leave to look at certain Records relating to that Colony in the office of the Board of Trade. *Signed*, Jer. Clifford. *Endorsed*, Recd. Read Oct. 23, 1701. 1 p. [*Board of Trade*. Miscellanies, I. No. 49.]

- Oct. 26. **969.** Wm. Thornburgh to William Popple. In answer to yours of 23rd present, I think I gave you to understand lately that the grant, as well as those for Carolina, and all books, letters and writings thereto belonging were in the hands of the late Earl of Bathe, and that I have had for some time past nothing to transact in those affaire[s], and when I had, 'twas only on the behalf of a minor, who is since of age. *Signed*, Wm. Thornburgh. *Endorsed*, Recd. 27th, Read Oct. 28, 1701. *Addressed*. 1 p. [*C.O.* 5, 1261. No. 28; and 5, 1289. pp. 298, 299.]

- Oct. 26. **970.** Minutes of Council in Assembly of the Massachusetts Bay. Proclamation issued further proroguing the Assembly to Feb. 18. [*C.O.* 5, 788. p. 329.]

- Oct. 27. **971.** Mr. Addington to Mr. Popple. *Enclosing duplicates* of Acts and Journals sent on Oct. 22. The Government here have made their humble Addresses to H.M. referring to the affairs of H.M. Province, which are forwarded to Constantine Phips to be presented, and have desired him to solicit the matters therein contained. Nothing new offers since my last. We are in daily hopes and expectation of the arrival of H.M. Governour, and to receive intelligence of the state of affairs in Europe, which will have great influence upon us. *Signed*, Isa. Addington. *Endorsed*, Recd. 8th, Read Dec. 9, 1701. 1 p. [*C.O.* 5, 862, No. 82; and 5, 910. pp. 10, 11.]

- [Oct. 28.] **972.** Petition of Jeronimy Clifford to the Council of Trade and Plantations. Desiring copies of certain records relating to the English in Surinam, 1667-1675. (*See* Oct. 23.) *Endorsed*, Recd. Read Oct. 28, 1701. 1 p. [*Board of Trade*. Miscellanies, I. No. 50.]

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973. Journal of Council of Trade and Plantations. Letter from Mr. Thornburgh, Oct. 26, read.

Letter from Mr. Addington, Aug. 25, read. Copies of enclosures ordered to be sent with a letter to Mr. Secretary Vernon.

Ordered that the Acts of Pennsylvania past at New Castle, Nov., 1700, lately received from Mr. Penn, be sent to Mr. Attorney General, for his opinion in point of Law; and whereas it is not evident to this Board that Mr. Penn has any right to Government in the three Lower Counties (whereof New Castle is a part), ordered further that Mr. Attorney's opinion be desired whether H.M.'s approbation of the said Acts, so past at Newcastle, would not be an acknowledgment of that Right, which otherwise does not appear to belong to him.

Another petition from Mr. Jeronimy Clifford, particularising the papers relating to Surinam, whereof he desires copies, read. Ordered that copies be accordingly given him.

Oct. 29.

Draught of a letter from the Secretary to Mr. Attorney General, ordered yesterday, was agreed upon.

Letter to Mr. Secretary Vernon enclosing Mr. Addington's Letter etc., ordered yesterday, was signed and sent. [*Board of Trade. Journal, 14. pp. 188-192.*]

Oct. 28.

974. Minutes of Council of the Massachusetts Bay. William Atwood, constituted Judge of the Admiralty, attended the Board and presented his Commission and took the Oaths appointed.

Warrant, appointing Joseph Arnold gunner on Castle Island, signed.

Order signed directing the Captain of the Castle to reduce the garrison to 25, including officers, during the winter season.

Licence granted to Edward Thomas to erect a timber building instead of an old house standing in his land adjoining to the land of John Jepson, nigh unto the Mill Creek in Boston. [*C.O. 5, 788. pp. 104, 105.*]

Oct. 29.

Whitehall.

975. William Popple to Edward Northey. The Lords Commissioners for Trade and Plantations desire your opinion in point of Law upon the enclosed Acts passed by Mr. Penn at an Assembly held at New Castle in Nov. 1700. And whereas they are not satisfied that Mr. Penn has the right of Government in the three lower counties (whereof New Castle is part), they farther desire your opinion (together with Mr. Solicitor General's) whether in case H.M. should approve of the said Acts so passed at New Castle, it might not be interpreted as an acknowledgement of Mr. Penn's right to government in those countries, which otherwise does not appear to belong to him. They also desire you and Mr. Solicitor to consider and report to them your opinion, whether the style of these Acts do not exceed the powers granted to Mr. Penn, and whether such stile be consistent with H.M. sovereignty. In order to the resolution of which questions, their Lordships have directed Mr. Penn's Agent (Mr. Charlewood

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Lawton) to attend you with what he may have to produce in Mr. Penn's behalf. *Annexed*,

975. i. List of Acts referred to above. [*C.O.* 5, 1289. pp. 299-307.]

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976. Mr. Popple to Sir John Hawles, Solicitor General. Similar letter to preceding. [*C.O.* 5, 1289. pp. 308, 309.]

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Whitehall.

977. William Popple to Mr. Lawton. Giving him notice to attend Mr. Attorney and Solicitor General in Mr. Penn's behalf upon the Acts referred to in preceding. [*C.O.* 5, 1289. p. 310.]

Oct. 29.

Whitehall.

978. Council of Trade and Plantations to Mr. Secretary Vernon. Having received a letter from the Secretary of the Massachusetts Bay with several other papers of importance, we send you copies thereof enclosed, desiring you to lay them before the Lords Justices for their directions. We take this occasion to acquaint you that we think it necessary for H.M. service that the Lord Cornbury should be dispatcht to his Government of New York so soon as possible. Otherwise we fear that he will not arrive there before the spring. *Signed*, Stamford, Ph. Meadows, John Polaxfen, Abr. Hill, Mat. Prior. *Enclosed*,

978. i. Isaac Addington to the Council of Trade and Plantations. *Duplicate of No 785.*

978. ii. M. Brouillan to the Governor of New England. *Duplicate of 785.ii.*

978. iii. Council of the Massachusetts Bay to M. Brouillan, Reply to above in *Duplicate of 785.iii.* [*C.O.* 5, 1044. Nos. 44, 44.i.-iii.; and (without enclosures) 5,909. p. 482.]

Oct. 30.

Maryland.

979. Governor Blakiston to the Council of Trade and Plantations. Since soe faire an oppertunity as this offers by Col. Quarry, I would by noe means omit my saluteing your Lordships, tho' I have not at present anything of moment to acquaint yr. Honble. Board with. I have not since my last reed. any commands from you. Since my receipt of H.M. Letter of Jan. 19 last, recommending a supply of 650*l.* in order to ye erecting a Fortification in H.M. Province of New York, the General Assembly have not convened, but upon there first meeting I shall use all ye endeavours I am capable of to perswade them to be kinde to themselves in givinge a chearfull obedience to H.M. commands therein. I enclose ye lists of shipping. *Signed*, N. Blakiston. *Endorsed*, Reed. Feb. 2, Read March 25, 1702. *Holograph.* 1 p. *Enclosed*,

979. i. Abstract of preceding.

979. ii. Memorandum of Naval Officer's List of ships entered and cleared, April 16, 1700-June 7, 1701, at the Port of Puttunxet. $\frac{1}{4}$ p.

979. iii. Memorandum of Naval Officer's List of Ships cleared and entered at Pocomoke Port, July 31, 1700-Sept. 18, 1701. $\frac{1}{4}$ p.

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979. iv. Memorandum of Naval Officer's List of ships entered and cleared at the Port of Williamstadt, Oct. 1, 1700–Oct. 1, 1701. $\frac{1}{4}$ p.

979. v. Memorandum of Naval Officer's List of Ships cleared and entered at the Port of Annapolis, Feb. 25–Oct. 8, 1701. $\frac{1}{4}$ p. [*C.O.* 5, 715. *Nos.* 46, 46.i.–v.; and (*without enclosures*) 5, 726. *pp.* 120–122.]

Oct. 30. Portsmouth. 980. Minutes of Council of New Hampshire. William Atwood produced his Commission as Judge of the Admiralty and took the oaths etc. appointed. [*C.O.* 5, 789. *p.* 69.]

Oct. 30. 981. Journal of Council of Trade and Plantations. Petition from Mr. Benjamin Way relating to five seamen taken out of the *John* galley by a pirate, with a deposition, read. Circular letters ordered to be prepared from the Board to the Governors of the Plantations, wherein to transmit copies of the said Petition and Deposition, that they may have regard thereunto as occasion shall require.

Further progress made in considering the draught of Instructions for a Governor of the Jersies.

Oct. 31. Draught of circular letter, ordered yesterday, agreed upon. Further progress made with Instructions for a Governor to be sent to the Jersies. [*Board of Trade.* Journal, 14. *pp.* 192, 193.]

Oct. 31. Bermuda. 982. Governor Bennett to the Council of Trade and Plantations. The inclosed affidavits and letters will inform you of the proceedings by the Governor of Providence against a sloop belonging to this place, and when that gentleman thinks fit, to let the prisoners come home, il'e transmit a further account of the tryal and condemnation of the vessel. We daily expect to hear of a war being proclaimed, and therefore to make this place as secure as I can, trenches are made in every part of these Islands, where it is possible boats can land men at, and the Malitia are ordered to be ready at a minit's warning. The late Sheriff, Mr. Jones, by the same conveyance wth. this, which is by the way of Barbados, sends what evidence he can get in contradiction to the Articles prefer'd agt. him (upon oath) by the Assembly. Signed, B. Bennett. Endorsed, Recd. Jan. 15, Read 20, 170 $\frac{1}{2}$. 1 p. Enclosed,

982. i. William Tucker to (*his father*) Col. William Tucker in Bermuda. Providence, July 19, 1702. We have been taken by John Warren, June 24, and carried to Providence. We were lying at anchor in East harbor at the Caucases, with our main sail unbent, and several patches unript and cut out, when the *Providence* sloop came. Warren examined my clearing and register, and searched the sloop and next day seized her and carried us off prisoners to Providence. Before we were come to anchor there, the Governor sent for Warren and myself and asked Warren whether that was his prize, that followed his

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sloop? He said, Yes, Sir. The Governor replied, Then you are welcome, and told me I must stand trial for the sloop. He ordered a Court of Admiralty to try her, and his kinsman John Dogett, was made Judge. The very night we came in, he sent for Matthew Whitter, Samuel Tatem, John Canverly (? *Couverly*) and swore them secretly, and threatened them that he would cut their ears from their head if he found them one tittle to contradict one another's oaths. It was admitted to him that the ship had carried salt from Turks Islands in 1699. I told him no Governor had nothing to do with Turks Islands, and anyhow it was before his time. The Governor picked the jury himself and made the Captain of the ship, his kinsman, foreman, and himself did plead against me as if he had been a lawyer and the judge likewise; did ask the jury in Court whether they were agreed, and told them that, bring in what they would, he would condemn the vessel. I pleaded to the Charter. They condemned the sloop. I craved an Appeal to England, but the Judge would not grant it me. I told the Governor I desired to go off with all my company by the first opportunity. He said he would arrest myself and Matthew Whitter and Samuel Tatem for cutting of wood and rakeing of salt, carrying of wood to Curaçoa, and told me altho' we had lost the sloop, he did intend to have more than the value of her from us. She was appraised at 235*l.*, and the Governor said, if it cost him 500*l.* he would have her, and nobody did bid for her but the Governor, and Mr. Frith did bid for me. Let Mr. Frith bid what he would, the Governor would bid five or ten pounds more. Pray Sir excuse me, for I am in so much trouble that I know not whether I write sense or not hardly. *Signed*, William Tucker.
2 pp.

982. ii. William Tucker to Col. Tucker. *Providence*. July 21, 1701. *Repeats substance of preceding*. 2½ pp.

982. iii. Affidavit of John Couverly, mariner. Bermuda, Oct. 28, 1701. *Confirming above*. When examining him the Governor of Providence sware at him several severe oaths, that if he would not tell the truth, that they were going to steal and rake salt and cut wood, he would hang him, and commanded a negro to put a halter about his neck, saying he had never yet hanged a Bermudian, but he would make no more to do it then to hang a dog, etc." *Signed*, John Couverly. *Endorsed*, Recd. 15, Read Jan. 29, 170½. 3 pp. [*C.O.* 37, 3. *Nos.* 62, 62.i-iii; and (*duplicates of Nos.* 62.i-iii) 37, 25. *Nos.* 65-67; and (*covering letter only*) 38, 5. pp. 189, 190.]

Oct. 31. 983. Memorandum of above letter. ¼ p. [*C.O.* 5, 1261. *No.* 29.]

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Oct. 31. **984.** Memorandum of above letter and affidavit. $\frac{1}{4}$ p.
[C.O. 5, 1261. No. 30.]

Oct. [?] **985.** Robert Quary to the Council of Trade and Plantations.
Philadelphia. Having some matters of great concern besides what relates to the Government to lay before your Lordships in order to H.M. service, I resolve to attend on your Lordships in England, with all the dispatch possible, in order to wch. I am now going to Virginia, in hopes to get a passage in H.M.S. *Shoreham* galley. I do expect to be in London almost as soon as this. In case Mr. Penn should arrive before me, I doe most humbly desire your Lordships to suspend your resolution of what may relate to the affairs of this Government, having matter of moment to offer to your Lordships on that subject. *Signed*, Robt. Quary. *P.S.*—I could enlarge, but am afraid 'twill be intercepted. *Addressed. Sealed. Postmark, DE.* [C.O. 5, 1261. No. 31; and 5, 1289. p. 332.]

Nov. 4. **986.** Council of Trade and Plantations to Governor, Lord
Whitehall Grey. In this conjuncture of public affairs and the uncertainty of alterations that may happen therein, as well with reference to H.M. Plantations abroad, as otherwise; we have thought it necessary to exhort you to the utmost vigilance in the defence and security of the Island of Barbados under your Government, and at the same time to remind you of the Instruction you have from H.M. in case of any distress of his other plantations, and more especially of the Leeward Islands, upon application of the respective Governours thereof unto you, to assist them with what aid the condition and safety of the Island under your Government can spare, which is expected you should accordingly observe. *Signed*, Stamford, Jno. Pollexfen, Abr. Hill. [C.O. 29, 7. pp. 441, 442.]

Nov. 4. **987.** Circular Letter from the Council of Trade and Planta-
Whitehall tions to the Governors in America. We enclose the copy of a Petition with an affidavit made upon it relating to five seamen taken by a pirate out of the *John* galley, and (as is believed) forcibly detained, that in case any of them should happen to arrive in H.M. . . . under your Government, you may have such regard to this testimony of their innocence, as after other due examination shall appear reasonable. *Signed*, Stamford, Ph. Meadows, John Pollexfen, Abr. Hill, Mat. Prior. *Mem.*—This letter was writ, *mutatis mutandis*, to the Governors of New Hampshire, Massachusetts Bay, Maryland, Virginia, Pennsylvania, Jamaica, Leeward Islands, Barbados, Bermuda, Connecticut, Rhode Island. [*Board of Trade. Plantations General*, 36. p. 26.]

Nov. 4. **988.** Reply of H.E. Governor the Lord Grey and the Council
Barbados of Barbados to the Memorial of Alexander Skene, relating to the Place of Secretary. *Recapitulates* proceedings recorded in Minutes of Council Jan. 1699, *ff.* The office of Notary Public is not a branch of the Secretary's office. Mr. Skene is altogether

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insufficient for the employment of either public or private Secretary, being incapable to take either the Minutes of Council or of reading or writing sense or English proper for those places, and in spite of instruction was found utterly incapable of taking the sense of the Board in putting the Minutes into any tolerable sense. Mr. Skene's claims for fees for Probates of Wills and letters of administration etc. are based on the misapprehension of what belongs to the office of Public Secretary and what to that of the Governor's Private Secretary, offices that had hitherto been executed by the same person. He has had the benefit of fees and perquisites rightly belonging to his office. In answer to his complaint that the Governor nor Mr. Bedingfield have made him any satisfaction or allowance for the profits of his office for the time he was kept out of it, nor for his expenses on that occasion, we send a copy of his general release to Mr. Bedingfield for the whole concerns of his office to April 14 last. We humbly conceive that H.E. by H.M. Commission and Instructions has an undoubted right to the benefit accruing by Probates of Wills, Licences of Marriage, Letters of Administration and Guardianships, and all other matters relating to the Governor for the time being as Ordinary to his own use, and certify that the Governors have always appointed whom they pleased to be their private Secretaries. *Signed*, Pat. Mein, Tob. Frere, Michael Territt, David Ramsay, Rd. Scott, John Farmer, Geo. Lillington, Geo. Andrews, Wm. Sharpe, Ben. Cryer, Thomas Merrick, Saml. Cox. *Endorsed*, Reed. Jan. 23, 170 $\frac{1}{2}$. 12 pp. [C.O. 28, 6. No. 19.]

Nov. 4. 989. Duplicate of preceding. *Addressed to Mr. Yard. Same signatures.* 7 pp. [C.O. 28, 6. No. 20.]

Nov. 4. 990. Copy of Mr. Skene's Memorial, *referred to in preceding.* No signature or endorsement. 7 $\frac{1}{4}$ pp. [C.O. 28, 6. No. 21.]

Nov. 4. 991. Journal of Council of Trade and Plantations. One messenger to the Board appointed instead of two, and an additional clerk in place of the second messenger.

Whitehall.

Circular letters to the Governors of Plantations, in pursuance of Mr. Way's petition, signed and ordered to be delivered to him that he may send them forwards as he thinks convenient.

Draught of a Commission for a Governor of the Jersies considered, and ordered to be transcribed that it may be communicated to the Proprietors of those Provinces. [Board of Trade. Journal, 14. pp. 194, 195.]

[Nov. 4.] 992. Minutes of Council of Bermuda. No Council Day on first Monday, being foul weather. *No date.* [C.O. 40, 2. p. 44.]

Nov. 5. 993. Minutes of Council of the Massachusetts Bay. Accounts of wages due to crew of *Province* galley and the garrison at Casco Bay referred to be audited.

Boston.

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Whereas by reason of the winter's coming on, a stop is put unto the works at Castle Island, and Col. Romer being about to repair to New York, H.M. service requiring his presence there for some time, and his presence, advice and assistance in the Spring, when the works at Castle Island may be again set forward, being absolutely necessary, Resolved that a dismission be given him for the present, and that he be therein directed on H.M. behalf, so soon as the Spring shall open, to apply himself with all possible speed and diligence to see that the works on Castle Island be compleated. Also that a letter be written to Lieut.-Governor Nanfan, informing him of these directions and requesting him to permit Col. Romer to return in March. Letter and dismission signed accordingly.

An application being made by sundry merchants etc. that H.M.S. *Gosport* may be ordered to convoy the ships bound to Salt Tertudos to load salt, ordered accordingly.

598*l.* 2*s.* 4*d.* paid for provisions and stores of war for H.M. Forts at Saco and Cascobay since Feb. 28.

400*l.* paid to Thomas Brattle on account of the Fortifications on Castle Island.

20*l.* 3*s.* paid to Peter Sergeant for repairing the windows of his house, hired for the public service, and for rent of the house he hired of William Gibbins.

John Green paid for piloting H.M.S. *Arundel*. [C.O. 5. 788. pp. 105-107.]

Nov. 6. 994. Journal of Council of Trade and Plantations. Draught of Instructions for a Governor of the Jersies further considered.

Nov. 7. The same further considered. Ordered, for the better expediting of that affair, that such part of the said Instructions as have hitherto been agreed upon be transcribed. [*Board of Trade*. Journal, 14. pp. 196, 197.]

Nov. 7. 995. Mr. Thurston to Mr. Popple. With enclosed, to be laid before the Council of Trade and Plantations, "whereby they may be informed that Mr. Huxford, having been made uneasy in his business by the new officers, has delivered up his charge to another, and is desirous to be no further concerned. I am in like manner used ill by them, and therefore make it my most humble request that I may have nothing further to do in any solicitation for them, but that my accompts may be inspected and a discharge given me for the same." Signed, J. Thurston. *Endorsed*, Recd. Read Nov. 11, 1701. 1 p. *Enclosed*,

995. i. John Huxford to J. Thurston. Fort William in St. John, Newfoundland. Sept. 22, 1701. This is to inform you of my quitting the money for reason I could not be easy nor quiet. Although you had lent them money to almost their pay, they came daily swearing and flosstering. Capt. Powell and Lieut. Frances very often told me that I should not pay the Company and would cut off the ears of any raskely Agent that would pretend to pay the Company. The Lieutenant also did abuse

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mee very much at several times before several persons, and swore, Dam him that he would cut my throat, if I stopped one penny for the Chaplain, etc. *Signed*, Jon. Huxford. 1 large p. *Addressed*. [C.O. 194, 2. Nos. 51, 51.i.]

Nov. 8. 996. Edward, Viscount Cornbury to Mr. Blathwayt. I beg
H.M.S. Jersey, your favour and assistance with regard to the cloathing of the
in the Hope. soldiers at New York. When first the King was pleased to give me this Government, I applied myself to know what condition the forces there were in, and I found they were in arrear of money, and wanted cloaths extreamly. In order to supply them with the latter, I inquired of Mr. Champante how the head of the off-reckonings stood. He told me there was no off-reckonings paid since 1697, and that he had received the full off-reckonings of 1679, which (allowing 400 men) amounts to 1,062*l.* 5*s.* 8*d.* for that year, in which he sent no cloathing; indeed my Lord Bellomont provided some cloathing, but then he received the sum of 1,600*l.* upon the head of off-reckonings before he went, which was 1697, so that the cloathing provided by his Lordship was amply paid, and the off-reckonings of 1697 remain still intire in Mr. Champante's hands. It is true Mr. Champante did send a cloathing for two hundred men in 1700, which according to his own account amounts to 1,014*l.*, so that the off-reckonings of 1697 have fully satisfied the cloathing of 1700, and there still remains in his hands of those off-reckonings the sum of 48*l.* 5*s.* 8*d.*, and then the off-reckonings of 1698 and 1699 remain intire to be paid in Debentures, and the off-reckonings of 1700 and 1701 remain intire to be paid in money now remaining in the Paymaster General's office. This being the state of that matter, and finding no contract entered in the Paymaster General's office, I did contract with two persons, one whereof, whose name is Fawkner, will wait upon your Lordships with this letter, for the cloathing the 400 men. These two persons went to the office, and found things as I had said, whereupon they did sign the contract, and we sealed patens of everything, and part of the goods were delivered to me, and the rest was making up. But Mr. Champante told one of these people that they must not expect to receive any money these twelve months, for he said the off-reckonings of 1700 and 1701 must come to him for the cloathing sent in 1700. This has so terrified these persons with whom I had contracted, that they refused to go on with the rest of the cloathing. I did what I could to satisfy them by shewing them Mr. Champante's account under his own hand, but that would not content them. They petitioned the Lords of the Treasury, who were pleased to refer the petition to the Rt. Hon. the Earl of Ranelagh, but I do not hear that he has yet made any report. Now Sir, if that report is not made forthwith, I shall be forced to proceed on my voyage to New York without the cloathing, what the consequence of that will be, I believe may easily be guessed at. I can expect no less than a total desertion or mutiny. The great favours and friendship you have always shew'd me

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make me venture to trouble you with this long scroll etc. I beg for your assistance to Mr. Fawcner in the despatch of this business. *Signed, Cornbury. Endorsed, Recd. Read Dec. 9, 1701. 3 pp. [C.O. 5, 1047. No. 5; and 5, 1119. pp. 16-19.]*

Nov. 10.
Antigua.

997. Governor Codrington to the Council of Trade and Plantations. I have just now received the honour of a packet from your Lords, as I was going on board the fregate to visit the other Islands, and to hold a General Council and Assembly at Nevis, to concert whatever may be necessary for ye good of ye whole Government, and amongst other things to get one Agent establish't for all the Islands, which your Lordships seem to desire. I had made this tour (which will be my third) a month since, but that I have every day during that time expected Admiral Benbow, and was willing to receive him here, where only I could receive him well. But I yesterday had advice from Barbadoes that he had just toucht there, and was againe sail'd, no one knew whither. After my most humble thanks to your Lops. for wt. you say in relation to Mr. Mead, wh. is all I desire, and all your Lops. ought to grant, I shall as briefly as I can proceed to answer the several particulars in your letters. For our Judicature—I had written your Lordships a long letter about it, which I shall not now send, because I have just now received a pamphlet called *Plantation Justice*, which I am inform'd has made some noise at home, and I'll make that my commonplace, and thro' the whole observe to your Ldps. when I think that gentleman in ye right, and where mistaken. This I shall not faile to send yor. Lordps. by the first ship, but in the meantime I think it necessary to mention ye fundamental difficulty which I think can only be removed by authority at home—'tis this, how far and whether or noe Acts of Parliament, as such are obligatory here. I soon found this uncertainty to be ye source of much confusion and partiality, and therefore endeavoured at a remedy for an evil, which affected all our judicial proceedings. But Mr. Brodric afterwards seeing the inclosed paper, which relates to this, and which I had drawn up and sent into ye Assembly, told me my Lord Chief Justice Treby had given his opinion very different from my Lord Pemberton. And therefore I think it proper to recommend it to your Lordships' consideration. I know one Chancery cause in Barbados has lasted 15 years purely by reason of this uncertainty, wh. leads me next to what your Lordships are pleased to say of our Chancery. My Lords, there is not one word either of Chancery or Chancellor in my Commission or Instructions. Nor is there any Act in this Government relating to Chancery Courts, which I am glad of, because ten to one it would have been a very foolish and wicked one. I take myself to be Chancellor by the trust of the Great Seal, as the Governor of Jamaica does. I took the oath of a Judge before I entered into any cause. I have read everything both in print and manuscript I could procure relating to Chancery from Sir Thomas Moor down to this day, and am after a great deal of thought preparing something that

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I hope to get formed into an Act, and in the meantime I believe your Lordships will hear no complaints of unnecessary delays, arbitrary injunctions or unequal decrees. If we have a Peace, I shall chiefly apply myself to settle a good judicature, and to strengthen the Islands by the lesser Planters,—If a war I shall have my hands full of somewhat else. I shall not fail to give Col. Hodges the cautions you order me, and I hope hee will doe his duty. If not, I shall not use him with much ceremony. But this I must observe to your Lordps., Col. Hodges had no mind to ye title, nor is very easy under it now. For if a poor soldier of fortune had been sent thither, this Gentleman (and his father-in-law, Mr. Parsons, if alive) would have had all the real power if the Governor had a mind to eat more than once a month, and 'twas for this very reason, which might seem to your Lordps. an objection against him, I chose that gentleman. For he might influence a Governor under him to doe things which he would not appear in himselfe, since he has an estate that will beare a fine. As to your Lordships' directions about my residence at St. Christopher's, 'tis ye most agreeable command you could send me. I believe he that knows that Island would not be fond of living at Antigua or Barbados either, but in the present state of affairs I believe your Lordships will not think it reasonable I should put myself or the people to two or three thousand pounds' charge for a house that might be burnt in three months by an enemy. However, I have ordered lime to be burnt here, and will have timber cut here out of hand (for there is not a foot of timber at St. Kits) and will not faile to gett a house there in a very little time, if ye Peace continue. If a warr break out, the title shall be soon decided, and in the meantime I doe the publicque business better than if I were there myself. I staid there six weeks, and put the Militia into good order. I have at Nevis 150 men under a very good officer ready at an hour's warning. My will is made and my houses set in order. And if I hear of war at midnight I shall visit M. des Gennes by break of day; if the impertinent faction at St. Kitts, entirely owing to Mr. Mead's pride and intercessedness, doe not hinder; for he thinks it reasonable more care should be taken of his single Plantation (to one foot of which he has noe right) than to the King's two Forts, the whole Island, and the honour of the English Nation. But I know how to deal with such proud fools, and take as much pleasure in mortifying them, as they doe in being perverse and factious. I commit no crimes that need their connivance; nor will accept of their assistance to get me any presents. The great point at St. Kits at present is to secure it, and as a meanes to strengthen it, I have past an Act of Settlement. The extraordinary tax I have persuaded the Assembly to lay on land will oblige several to part with some of their's which they cannot settle; and soe I hope to provide for a great many 5 or 10 acremen, which is the true strength of these Colonies. By this I shall draw off a great many from Anguilla and Spanish Town, where the people are perfect outlaws, and work together for the Danes and Dutch, which 'tis impossible for me to prevent. Besides

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this, they serve for an intermediate mart or a Repository of prohibited goods from St. Thomas and Carrisoe. I know two or three little scoundrels have gott ten thousand pounds a man by the trade, and still continue it, thro' the lazyness, fearfulness or corruption of the Custom House officers, and I can't be a Searcher nor a Wa[ite]r myself. I doe all I can and I believe much more than any other Governor either has done or does. The reasons why I have said I think it better not to reside at St. Kitts are, (1) in respect of our own people. I would not put them out of humour at this juncture; and there are several irregularitys I would as unwillingly see committed in my presence. Besides there are frequent demelés between ye English and French. And I would not commit myself with a French commandment upon a thousand chichanes. I have a very gallant but a very silly man for President, who deals better with Monsr. des Gennes than any Politician in Europe would do, for he confounds him with bad Latin and good Scotch, debauches away his soldiers and sends them off, and then blunders on with éclaecressaisments yt. M. de Gennes knows not what to make of. Hee writes mee long letters and swears le Monsieur MacArthur. I have promist him a politick neighbour in a little time. But I am satisfi'd with my old Scotch man at present, for he's as brave a man as lives, and as watchful an officer, tho' not skilful in the trade. As soon as I have despatched this ship, I shall proceed to Leeward and at Nevis expect the certain news of war. *Signed, Chr. Codrington.*
Endorsed, Recd. 17th, Read Jan. 22, 1701½. 2¼ pp. Enclosed,

997. i. Abstract of preceding. 1 p.

997. ii. Proposals relating to proceedings in Law offered by Col. Codrington to the Assembly of Antegoa to be settled by them by an Act to be pass'd for that end. St. John's, Feb. 14, 1700 (1701).

Are Acts of Parliament pleadable in our Courts? If so, then all Acts are obligatory here. *Query*, is not this position false in itself, and would it not be fatal in its consequences—*e.g.* how many wills would be good, if the Statute against frauds were of force here, especially amongst the poorer sort of planters, who generally convey lands by their wills, attested by two witnesses? If it be said, as it commonly is, that Acts which relate to Commutative Justice only are of force here, I desire to know why Acts of distributive justice are not as valid? And then whither Assembly men and all officers whatsoever are not obliged to receive the Sacrament according to the rights and ceremonies of the English Church. But by whom or what authoritie has this point been settled? May not one Judge be of this opinion and others of a contrarie, and then won't this notion be made use of only to serve a turn? The Act of Limitations is certainly an Act which relates to commutative justice, but the Lords think it not of force here, and direct it may not be reenacted here till they shall be appriz'd of the reasons for it. Their Lordships pretend to no

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dispensing power. Vide their letter to my father hereto annex't, besides the authoritie of their Lordships' opinion, I have seen it under my Lord Chief Justice Pemberton's hand that no Acts of Parliament are of force here in which the Plantations are not nam'd. If it be said (as it often is) that those Acts only wch. are declarative of ye Common Law are of force here, who shall de[s]fine ?] in particular what those Acts are ? To give a true judgement in any difficulty of this kind wch. may arise upon trials, will require a much deeper skill in the ancient usages of the Kingdom than most of our Judges are at leisure to acquire. I may suppose, with all respect to them, that few of them read Bracton, Britton or the Year Bookes.

If Acts of Parliament be not of force here, but where the Plantations are named, then by what authoritie have our Judges left the measures of the Common Law and proceeded by Acts of Parliament in trials of Treasons, Murders etc. How can our Judges deny benefit of clergy to one convict of murder, since criminals are ousted of ye benefit by ye Statute Law ? I hope it will not be said that Acts which contradict the Common Law are Declarative of the Common Law.

'Tis likewise recommended to the Assembly to prepare another Act, wherein it may be settled, how far, and whether at all or no, the forms, terms of art, and other niceties in ye practice of Westminster Hall shall be followed in our Courts, and of what misprisions, errors, insufficiencies and incertaintys advantage may be taken in civill as well as criminal process, because a late notion hath been started, and a president made, wch. if pursued will soon take all the money out of the Planters' pockets and put it into the Lawyers', and be a means of introducing all the tricks and chicanery (which is in plaine terms, all the knavery) of Westminster Hall, without the Law or the Learning of that place. You will find by the order annex't that the Council desire an account of the manner of our proceedings, and I should be glad to send them an account which may be for the honour of this Island, which I assure you shall always be very deare to me, as well as the interest of it.
Signed, Chr. Codrington. Below,

Reply of the General Assembly of Antegoa. H.E.'s recommendation has been a point often under our consideration, more particularly the two Acts therein mentioned, for the proposing of which, as we are sensible of the good intent of H.E. therein, we cannot but hold ourselves much obliged, and though the said Laws, as they relate to distributive Justice (to prevent too great a delay in the course of it) are what we are desirous should be first compiled, yet a compleat system or body of ye whole is what we chiefly aim at, and to be drawn

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as concise yet full as may be, that thereby such a lasting foundation of quiet and securitie to ye inhabitants as well as others be laid for the future, as may for ever after remain a lasting monument both of our honour and safety, and resolving the elaborateness of such a work and that the persons entering thereon ought to be well acquainted with the Laws of England and circumstance of this Island, we desire H.E. and Council will join with this House in requesting ye Hon. John Yeamans Esq., and Saml. Martin, Esq., together with Mr. Brunskill, the King's Attorney General and Mr. Broderick, late Attorney General of Jamaica, to enter thereon, and that the same from time to time be reviewed by a select Committee of the Council and Assembly, in order to ye more correctness of it, before offered to a general view of H.E. and this House. We request H.E. to join with us in ye assurance of such a handsome gratification to be paid the said gentlemen. *Signed, Geo. Gamble, Speaker. Note added in Governor Codrington's hand on p. 3.* I could make many observations on this answer, and from them let your Lordships into the different interests and designs of the busy people here, which obstruct either openly or underhand all the good that can be proposed. 'Tis said what I propose has been often under their consideration, whereas they never dreamt of any one part of it before, as all the sincere men assure me. Then they pretend to a system, as they call it, of all their Laws, which is only to postpone the two good Laws I recommend, wch. wd. quicken the course of justice and oblige them to pay their debts. This Speaker does more than he is worth. When he has wrought himself out of debt, he'll prove a useful man enough in the public service. Then the four people joined were designed to quash the undertaking. They put in Mr. Brodrick for a longwinded work, when they were sure he was to stay but two or three months, and Mr. Yeamans the Chief Justice, and Mr. Brunskill they were sure could never agree on anything. However, if I get another honest man for Attorney General, I don't doubt but to struggle thro' this good work. I drew up this paper upon an occasion wherein I was very much dissatisfied with the conduct of our Judges. Amongst other things they had allow'd the Act of Limitations to be pleaded, tho' your Lordships' Orders to my Father on that head had entered in all their Books. In fact they differ every day and form contradictory judgments. Mr. Brodrick assured me my Lord Chief Justice Treby was of a contrary opinion (*to Lord C. J. Pemberton*). So that this point should be settled not by opinion but by authority, and I humbly propose whether the Judges should not be consulted. *Inscribed on margin on p. 2 in Governor Codrington's hand.* I could tell your

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Lordships some particulars on this head, which would raise your mirth or your spleen. Sometimes we are very nice and sometimes very gross—but I fear generally to serve turns. However, I don't doubt but to fix good and impartial Judges here, when the number of our Courts are lessened—as they should be in Barbadoes by at least three. *Endorsed*, Recd. Jan. 17, 1701½. 4 pp.

997. iii. Petition of Eleanor Corbett on behalf of her son, John Corbet. Her husband purchased two Plantations in Antegoa of Mr. John Lingham, after whose decease Col. Henry Perne got into possession and is endeavouring to obtain an Act from the Assembly to empower him to sell the same. *Case annexed. Marginal comments by Governor Codrington.* The whole case “has not one word of truth in it. Corbet never bought the estate, not being worth one farthing etc. The whole petition was designed as a libel on myself and Col. Pern and I can guess at the author etc.” Details of history of the estates given. *Endorsed*, Recd. Jan. 17, 1701½. 4 pp.

997. iv. Memorandum of Act for settling and strengthening H.M. part of St. Christophers. ¼ p.

997. v. Titles and Dates of two Acts made at St. Christopher's. (1) Act for raising a levy to defray the publick charges. Jan. 14, 1700 (1701). (2) Act for repairing H.M. fortifications etc. Dated at the Town of the Old Road, April 17, 1701. *Signed*, Jed. Hutchinson, Speaker. ½ p. [*C.O.* 152, 4. Nos. 55, 55.i.-v.; and (*without enclosures*) 153, 7. pp. 379-387.]

- Nov. 10. 998. Minutes of Council of the Massachusetts Bay.

Wages of the *Province* galley paid up till Oct. 22.

Licence granted to Æneas Salter to erect a tenement of timber at the south end of Boston, between the housing and land in the occupation of Anthony Greenhill and the brick-house of Michael Shaller, provided the end next to Shaller be carried up with brick. [*C.O.* 5, 788. p. 108.]

- Nov. 11. 999. Order of King in Council. Referring the enclosed
Hampton Court.
to the Council of Trade and Plantations to consider the matter, and thereupon to write to the Lieut.-Governor Elrington, transmitting the charge against him, with directions that he answer the same, and requiring him that in the meantime he permit the said Carpenter and other officers acting under him to attend the duty of their respective employments, as is proposed by the enclosed presentment, and that upon receiving Col. Elrington's answer, the Lords Commissioners examine the matter of the said complaint and report to this Board a true state thereof, with their opinion upon the whole matter. *Signed*, John Povey. *Endorsed*, Recd. Read Dec. 2; 1701. 1 p. *Enclosed*,

999. i. Presentment of the Commissioners of the Customs to the Lords Commissioners of H.M. Treasury.

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Custom House, London, Oct. 28, 1701. William Mead, one of the Commissioners and Collectors of H.M. duty of $4\frac{1}{2}$ per cent. at Nevis, being now in England by leave from this Board for the recovery of his health, hath brought to the Commissioners a letter from Mr. Henry Carpenter, the person appointed to act during his absence (*as below*). The Commissioners fearing that H.M. affairs under their management do hitherto remaine in the same neglected condition, pray that their Lordships will please to be a means that the matter in charge against the Lieut.-Governor may be transmitted to him, with directions to answer the same, and that in the meantime he may be required to permit Carpenter and the other officers acting under him quickly to attend the duty of their respective Governments. *Signed*, Ben. Overton, Walter Yonge, Sam. Clarke, Will. St. Quintine. *Copy*. $1\frac{1}{2}$ pp.

999. ii. Henry Carpenter to [the Commissioners of Customs ?] Custom-house, Nevis, Aug. 26, 1701. I crave leave to acquaint your Honors what hardship and ill-usage I have received in the execution of my office. On the 9th inst., a brigantine arrived here from New York, the *Moses*, Hugh Nisbet, Master, which vessel was formerly a sloop belonging to a Jew in this Island, and who is still proprietor of said vessel. I sent the Searcher on board to bring me the Register of said vessel on shoar (there being an alteration made in the vessel, and I was informed had no other register than what she had when a sloop, thought it my duty to inspect into the same. While the Searcher had the register in his custody the Master or the Governor, Col. Roger Elrington, who demanded his register, the Master replied the Searcher had it, upon which the Governor committed the Master into the Marshall's custody, and a little while after met the Searcher and threatened to brake his bones, abusing him with very ill language. The Searcher informed me what had happened. (I) immediately ordered him to carry the register to the Governor, which he did, but the Governor refused it. Two days after, the Governor desired to speak with me. I went to him, who asked if I had given directions to the Searcher to bring the Brigantine's register on shoar. I replied yes. He asked me again if I dared justifie it. I answered, I believe I had done nothing but what was justifiable, upon which he immediately struck me several blows with his cane and broke my head, and told me he would always use me like a rascal. Not being satisfied with the ill-treatment he gave me the day before, the next morning issued out a warrant signed by himself, directed to the Provost Marshall to commit me to prison. The Marshall came to me attending my office, and informed me he had such a

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writ. I answered I was in the House, which was a sufficient protection to me, and I would not go with him. The Marshall made his return accordingly, upon which the Governor sends for a Military Officer, ordered him to raise two files of musqueteers, and fetch me out of the House. The officer refused it, saying he could not answer it. The Governor gave him his word and honour to justify him in the action, but the officer would not execute it. By which proceedings I am now confined to my house, and dare not go out, unless by stealth, to inspect into the management of H.M. Customs, and which has given encouragement to by traders to run quantities of prohibited goods, and has discouraged the Searchers and Waiters to execute their office, that they plainly tell me they will not run the hazard of having their bones broke. *Prays for protection to the Officers of Customs in these parts. Signed, Henry Carpenter. Copy. 2 pp. [C. O. 152, 4. Nos. 56, 56. i., ii.; and 153, 7. pp. 276-282.]*

[Nov. 11.] **1000.** Ensign Humphrey Haven to the Council of Trade and Plantations. Being Ensign to the Company at Newfoundland, Petitioner did, upon the suspension of Lieut. Lilbourn, take upon him the care of the Company, and subsisted them from Sept. 1, 1701, to April 30, out of his own pocket, for want of remittance from England, where your petitioner arriving about 14 days since, is told by the Agent that all the subsistence money was sent over, tho' Commodore Greydon informed your Petitioner it was not, and has given him a certificate to that purpose. Petitioner also provided the Company with fire and candle and other necessaries, to be repaid out of the contingent money allowed by H.M., but the Agent alleges he has received no such money, by which means Petitioner is very much straitened, and daily threatned with a goale. *Endorsed, Recd. Read Nov. 11, 1701. 1 p. Enclosed,*

1000. i. Copy of Warrant from Capt. Fairborne to Ensign Haven to take the command of the Company vacated by Lieut. Lilburne, suspended. *H.M.S. Tilbury. St. John's. Aug. 7, 1700. Signed, S. Fairborne. ¼ p. [C.O. 194, 2. pp. 52, 52.i.]*

Nov. 11. **1001.** Journal of Council of Trade and Plantations. Mr. Whitehall. Eyles desired their Lordships' favour in representing that the Lord Grey may have leave to receive the two presents that have been made him by the Assembly of Barbadoes. He was told that their Lordships will take that matter into consideration in the first opportunity at a full Board.

Mr. Bradshaw, solliciting in behalf of the Widdow Corbet against the confirmation of an Act of Antegoa, wherein she is concerned, but no such Act having yet been brought to this office, ordered that the Secretary send to Mr. Cary to know if he

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have lately received any Acts from thence, and if so to desire him to lay the same before their Lordships without delay. Col. Gibson, accompanied with Ensign Humphrey Haven, lately arrived from Newfoundland, presented to the Board the petition of the said Haven, relating to his pay, which was read. They were told that the subject-matter of that petition does not belong to this Board.

Letter from Mr. Thurston, Nov. 7, read. Ordered that he be told that the direction of the matter referred to does not lye before this Board.

Nov. 12.

Instructions for a Governor of the Jersies further considered. Act of Antegoa, to enable Henry Pearn to alien a certain parcel of land, was now received from Mr. Cary, and ordered to be sent to Mr. Solicitor-General, and that Mr. Bradshaw have notice given him.

Instructions for a Governor of the Jersies further considered, and ordered to be sent, with a copy of the Commission lately prepared for the same service, to Sir Thomas Lane that they may be communicated by him to the Proprietors of East and West New Jersey for their observations thereupon.

Ordered that Lord Cornbury and Col. Dudley be desired to attend the Board to-morrow morning.

Nov. 13.

Directions given in order to the preparing a Representation upon the state of defence of Bermudas and of the Leeward Islands.

Col. Dudley acquainted the Board that whilst his Commission for the Government of New England was passing the Seals, Sir Henry Ashurst had presented a memorial against him to the Lords Justices, to which he having replied, the papers on both sides were transmitted to the King, who had not yet made any determination thereupon, so that the matter lyes still in suspence. Before any stop was made to his proceedings, he had applied himself to the Board of Ordnance for the stores of War that were ordered for the Massachusetts Bay, and had indented with that Board for those stores, and sent them away.

Letter to the Board of Ordnance (Nov. 14) ordered.

Letters from Governor Codrington, Aug. 18 and 25, read. Upon consideration of that part of the first, which relates to the assistance he had desired from Barbadoes, directions were given for preparing a letter from the Board to the Lord Grey. In relation to that part of the second which relates to the Secretary's place of the Leeward Islands, Mr. Cary acquainted their Lordships that Col. Codrington had also ordered him to desire their favour in behalf of Mr. William Codrington, who has been put in *per interim*, and that if a patent might be accordingly granted, he was ready to pay the charge of it.

Petition of Mr. Hill laid before the Board.

Letter from Governor, Lord Grey, Sept. 13, read. Their Lordships thereupon resolved to take into their consideration the whole matter relating to his presents, and the objections that have been made against him or against the proceedings of the Courts of Justice in Barbadoes on Tuesday next. [*Board of Trade. Journal, 14. pp. 197-203.*]

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Nov. 12.
Whitehall.

1002. Wm. Popple to Sir John Hawles, Solicitor General. Enclosing for his opinion in point of law an Act of Antigua, Aug. 12, 1701, to enable Henry Pearne to alien grant or devise the Plantation of Blubber Valley, or to charge the same with portions for younger children. And whereas some application has been made to the Lords Commissioners for Trade and Plantations by the widow Corbet against confirming it, they have directed her to attend you with her objections. [*C.O.* 153, 7. pp. 254, 255.]

[Nov. 13.]

1003. George Underwood Hill to the Council of Trade and Plantations. Resident of Antegoa and having by his practice of the Law gained much esteem amongst the inhabitants of the Leeward Islands, petitioner prays for the post of Secretary of the Leeward Islands, now vacant by the death of Mr. Parsons. *Endorsed*, Recd. Read Nov. 13, 1701. $\frac{3}{4}$ p. [*C.O.* 152, 4. No. 57.]

Nov. 14.

1004. Council of Trade and Plantations to the Principle Officers of H.M. Ordnance. It being for H.M. service that we should know the state of defence of H.M. Plantations in America, it is necessary we should be informed what stores of war are sent thither from time to time, in order to represent whatever may be expedient. And we therefore desire you to acquaint us, what stores of any kind have been sent from the Office of the Ordnance to any of the said Plantations since Christmas last, and to whom the same have been delivered out. *Signed*, Stamford, John Pollexfen, Abr. Hill. [*Board of Trade*. Plantations, General, 36. p. 27.]

Nov. 14.

Whitehall.

1005. William Popple to Sir Thomas Lane, Knt. I am commanded by the Lords Commissioners for Trade and Plantations to send you the inclosed draughts of a Commission and Instructions for a Governour for H.M. Province of New Jersey, prepared by order of their Excellencies, the Lords Justices, that you may communicate the same to the Proprietors of both the divisions of East and West New Jersey for their observations thereupon; which their Lordships desire may be made and returned to them with all convenient speed, in order to such further proceedings as shall be found necessary for the settling of that Province in a due form of Government. [*C.O.* 5, 1289. p. 312.]

Nov. 14.

Whitehall.

1006. William Popple to Mr. Dockwra. The Council of Trade and Plantations have ordered me to communicate [*the above*] to you, that you may confer thereupon with others concerned, as you see convenient. [*C.O.* 5, 1289. p. 313.]

Nov. 14.

1007. Journal of Council of Trade and Plantations. Letter to the Board of Ordnance signed.
Letter to the Lord Grey signed.

Directions given for preparing a report upon the Order of Council, Sept. 16, relating to an Act of Nevis.

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Further progress made in considering the Acts of the General Assembly of Nevis, May and June last. [*Board of Trade Journal*, 14. p. 204.]

Nov. 18.
Whitehall.

1008. Council of Trade and Plantations to the King. In obedience to their Excellencies the Lords Justices' Order in Council of the 16th of September last, relating to an Act of the General Assembly of Nevis to *Encourage the late disbanded Soldiers to remain on that Island etc.*, We have enquired into the indirect practices said to have been there used to deprive the said disbanded Soldiers from the Liberty of returning home, And we thereupon humbly report to your Majesty, That we have been informed by Masters of Ships arrived lately from thence, who have actually brought home with them severall of those Soldiers (five or six in a Vessell, some as Passengers and others as Seamen) that they did not know of any indirect practices nor had heard of any hindrance or obstruction given to any Soldier who desired to come for England; But that Tickets of leave to come off the Island were granted to the Soldiers upon their desire, with the same freedom as to any other of your Majesties subjects there; That several of those Tickets granted to such as are come home have accordingly been produced to us. And as we cannot learn either thus or otherwise, that any indirect Practices have been used to hinder these disbanded Soldiers from returning home; So we humbly conceive the Encouragements given them to stay there by the aforesaid Act are favourable to them, suitable to the Interest of the Island, and not interfering with your Majesties service. *Signed*, Stamford, Ph. Meadows, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 153, 7. pp. 268-270.]

Nov. 18.

1009. Journal of Assembly of Barbados. The House met according to adjournment (*see* March 29). Bill to encourage privateers in case of warr read and sent up.

Two Addresses, for the remittance of strong liquors that belonged to his Excellency, read, passed *nemine contradicente*, and sent up.

Petition of Edwd. Arnell considered. He being sent for, proposed that if his new house on Egginton's Green be used for the reception of the Assembly and sitting of the Grand Sessions, he shd. have 100*l.* sterl. *per ann.*, but expected to have the liberty of the rooms in vacant times, so as not to incommode the Assembly or Grand Sessions. 50*l.* was considered sufficient, which he refused, praying for some allowance for the time his house had been used in time passed.

The two Houses resolved into Committee to consider an Address to H.M., submitted by the Council, and a Memorial of what things are to be supplicated for by this country to supply their wants. The House agreed to join with the Council in an Address relating to H.E., but as to the supplicating for great guns etc., the House approve of the method already

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prepared by the Committee of Correspondents. Bill, to continue an Act to secure the possession of slaves, read and passed.

Whereas the papers, letters and proceedings of the Committee of Correspondents and the matters negotiated between them and the Agents have been dispersed into the hands of diverse persons, so as that the same cannot now be found, resolved that a book be prepared, wherein for the future shall be entered all matters transacted in that affair.

Two Petitions of William Godman, for a drawback of the duty on certain pipes of wine, read and consented to.

Petition of David Millne for a drawback of the duty of four pipes of Madera wine turned eager, read and consented to.

20*l.* allowed Edward Arnell for the past use of his house for the publique occasions.

H.E. and Council agreed to the proposals of the House with regard to the Addresses mentioned above. [*C.O.* 31, 6. *pp.* 441-443.]

Nov. 18.

1010. Journal of Council of Trade and Plantations. Application being made to the Board for an extract of the Earl of Bellomont's letter, May 8, 1698, relating to Burgess and Taylor, two pirates, and for the Representation of this Board etc. on that subject, copies ordered to be given accordingly.

Representation upon an Act of Nevis, to encourage disbanded soldiers, signed.

Letters from Governor Sir William Beeston, July 30 and Aug. 1 and 19, with enclosures, read.

Ordered that copies of the first letter and of the Proclamation enclosed in it, with certain passages etc. from the second be copied, in order to be sent to Mr. Secretary Vernon, that he may lay them before the King.

Nov. 19.

Letter to Mr. Secretary Vernon signed and sent together with the above-mentioned papers relating to Jamaica.

Letter from Capt. Peers, Sept. 2, read. Copy of paragraph relating to the mortality of the soldiers in Jamaica also inclosed in the foresaid letter.

Letter writ by order of the Board to Mr. Burchet to enquire concerning Brigadeer Selwyn, and the Lord Cornbury's proceedings.

Remainder of Acts of Assembly of Nevis read. Directions given for preparing a Representation thereupon. [*Board. of Trade. Journal, 14. pp.* 205-208.]

Nov. 19.
Barbados.

1011. Mr. Skene to William Popple. Since the arrival of their Lordships' order on my petition, I was no ways made acquainted with the proceedings of the Governor and Council here, either to appear to justify the allegations of the said petition, or, by having early copies of their answer, to make my replication thereto, until two days before the Governor's departure, which was too short notice even to answer their groundless impeachment, whereby they charge me incapable to write sense of English, yet that was a matter no ways within

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the reach of their issue, but rather of their malice. Being inclined I should take a second voyage to England to stifle their unkind measures and to discharge myself from the aforesaid imputation, I have inclosed the several minutes of the Council made by me when I acted as Clarke thereof, whereby, if your leisure will afford you time to peruse them, or your kind judgment suffer you to lay them before their Lordships (if inclined to give verdict to such imputation), and being here unheard and disabled to give a speedy replication, I shall ever acknowledge the favour etc. *Signed*, A. Skene. *Endorsed*, Recd. Jan. 29, Read March 19, 170 $\frac{1}{2}$. Addressed. 2 pp. *Enclosed*,

1011. i. Copy of Minutes of Council of Barbados, Oct. 1, 1700-Jan. 23, 170 $\frac{1}{2}$. 13 $\frac{1}{4}$ pp. [*C.O.* 28, 6. Nos. 22, 22.i.]

Nov. 19.
Admiralty
Office.

1012. Mr. Burchett to Mr. Popple. In answer to your letter received this morning, it is the Commodore of the West India ships, Capt. Whitstone in the *Yorke*, that is put back to Plymouth, but Col. Selwyn, who is in the *Bristol*, is gone forward, tho' it is to be fear'd that these violent winds may force them in again : If soe, I'll acquaint you therewith, as soon as I know it. The *Jerzey*, appointed to carry the Lord Cornbury to his Government, has been ready to sayle a considerable time and has her final orders. She is now in the *Hope*, and 'tis unknown to me what hinders his Lordp.'s going on board. *Signed*, J. Burchett. *Endorsed*, Recd. Read Nov. 20, 1701. Addressed. 1 p. [*C.O.* 137, 5. No. 56.]

Nov. 19.
Whitehall.

1013. Council of Trade and Plantations to Mr. Secretary Vernon. Enclosing extracts of letters (July 30, Aug. 1 and 19) etc. lately received from Governor Sir William Beeston; which relating to the transactions of the Assembly there, and being of importance, we desire you to lay before His Majesty by the first opportunity. *Signed*, Stamford, Lexington, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Mat. Prior. *P.S.*—We add the extract of a private letter relating to the mortality of the soldiers there. [*C.O.* 138, 10. p. 317.]

Nov. 20.
Hampton
Court.

1014. Order of King in Council. Confirming the Act of Nevis to encourage disbanded soldiers to remain on the Island. *Signed*, John Povey. *Endorsed*, Recd. Read Dec. 5, 1701. 1 p. [*C.O.* 152, 4. No. 58 ; and 153, 7. pp. 288–290.]

Nov. 20.
Whitehall.

1015. Mr. Secretary Vernon to the Council of Trade and Plantations. Your letter of Oct. 29, with the enclosed papers from Boston, having been laid before the King, H.M. commands me to signify his pleasure to your Lordships that you should lay before him what your thoughts of the conveniencys or inconveniencys of the proposall made by the French Governor of Accadie, relating to a suspension of arms and neutrality in those parts, in case of any breach between the two Crowns,

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as also how practicable it may be to take measures with the French for restraining the Indians bordering upon those Colonys. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read Nov. 21, 1701. 1 p. [C.O. 5, 862. No. 83; and 5, 909. pp. 483, 484.]

Nov. 20.
Whitehall.

1016. William Popple to Governor Lord Cornbury. I am commanded by the Council of Trade and Plantations to signify to your Lordship that the King's service does require your departure for your Government without delay, and being doubtful whether your Lordship be yet gone aboard or no, they desire to be certainly informed thereof, and if not, that you would be pleased to do it forthwith; otherwise they will be obliged to represent to H.M. the necessity of having a Governour upon the place. And they further desire your Lordship's speedy answer to this letter. [C.O. 5, 1118. p. 425.]

Nov. 20. **1017.** Journal of Council of Trade and Plantations. Letter from Mr. Burchet read.

Secretary ordered to write to Lord Cornbury.

Representation upon the Nevis Acts signed.

Nov. 21. Letter from Mr. Secretary Vernon, Nov. 20, read.

Complaints of Mr Hodges considered. [*Board of Trade*. Journal, 14. pp. 209, 210.]

Nov. 20. **1018.** Minutes of Council of Bermuda. Representation from the Assembly read, setting forth several reasons for the Lucaos or Bohama Islands to be annexed to these Islands, and praying H.E. to represent the same to England. Approved with some amendments.

Nov. 22. The above Address read and approved. The Assembly was adjourned. [C.O. 40, 2. p. 44.]

Nov. 20. **1019.** Journal of Assembly of Bermuda. Ordered that Mr. John Dickinson, Col. William Outerbridge and Capt. George Dew be Assistant to the King's Attorney General at the next Assizes in the management of the prosecution against Mr. Day, Mr. Nelson and Mr. Jones.

Nov. 21. Edward Middleton and Roger Browne, doorkeepers to the Assembly paid their wages.

Nov. 22. Address to H.M. agreed upon and sent up: Having lately understood that H.M. is inclinable to reunite to the Crown several Proprietorships, and whereas amongst others the Lucaos or Bohama Islands may fall under H.M. consideration wee, not being in the least desirous to request anything from H.M. to the Lords Proprietors' disadvantage, but if it should so hapen that H.M. shall order that a *quo warranto* should be brought against their Patent and take the Islands into his own hands, then we exceedingly hope H.M. will be most graciously pleased to unite and annex them unto the Government of Bermuda, because (1) The original settlement under the English

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Government was undertaken by several honest persons, natives of Bermuda, and were a considerable time supported by the inhabitants thereof; but of late divers of the Governours (although 'twas unknown to their Lordships) have entertained several notorious Pyrates and many other infamous persons of lewd and vitious lives and actions, who have unlawfully seized our vessels, and have robbed and spoiled the loyal and dutiful subjects and inhabitants of these Islands, as by several authentick and substantial affidavits will be made appear. (2) Bermuda and the Bohama Islands are so useful and necessary and contiguous to each other, that, being once united under the same Government, they will become much more formidable in oppressing the de[s]cent of an enemy. (3) The Revenues of the Crown will be thereby greatly increased and the Acts of Trade observed. The only cause why the Bohamo Islands are not accommodated with a sufficient number of people to manure and improve them, hath been occasioned by the severe and hard usage they have met withal from their respective Governors, and being at so great a distance from England could not make known their grievances to have relief in less than 18 or 20 months' time. But if the Government were annexed to Bermuda, most matters of difference between party and party might be adjusted in three or four months' time at furthest. (4) Bermuda can now very well spare 500 people, men, women, children and negros, who would willingly remove from hence to that settlement, provided they might be under the conduct and management of a Governor commissioned from these Islands. (5) All the Colonies and Plantations upon the Continent and Adjacent Islands wants several thousands of inhabitants, consequently cannot assist in peopling the Bohamo Islands, which either must be accommodated from Bermuda, otherwise will hardly ever be a settlement sufficient to answer H.M. affairs and both his honour and interest. (6) It is almost impossible to believe what quantities of cotton-wool, indico, fustick, and brazalleta wood might yearly be sent home from such a number of persons, the produce whereof at present is but small for want of an industrious people, and that little for the most part is fraudulently shipped off, whereby H.M. is defeated of his rights and customs, and all the beneficial Acts of Trade basely eluded. (7) This small Island of Bermuda, although it produces but little advantage to H.M. in respect of his Customs, yet we humbly conceive that in case of a war, it will be found of much greater concern to the Crown of England than several settlements or plantations in America, and in consideration thereof we hope H.M. will be graciously pleased to add something further to its support and Government, and make it more significant both at home and abroad by uniting and annexing to it the Lucaos or Bohamo Islands.

It may be objected that the parting with so many people may much impair the force and strength of Bermuda. To which it is answered that it will mightily improve it and make it much more considerable in opposition to a public enemy,

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for that for want of encouragement here at home there is now in the service of the Dutch at Curiso, and at Barbados, Jamaica and amongst the Leeward Islands 4 or 500 lusty young fellows natives of these Islands, who upon the first news of the Government's being annexed will immediately repair hither, and employ themselves in the promoting the settlement of the Bohamo Islands, which is equally as natural to them as the place of their nativity. So that, by their frequent passing and repassing, we shall always have amongst us a great many suitable vessels, and a galant number of stout young fellows fit for H.M. service upon any account whatsoever. Therefore we pray H.E. to join with us in supplicating H.M. etc. *Signed*, John Brook, Speaker.

Address of the Assembly to H.E. praying him to transmit to England funds necessary for soliciting the above Address. *Signed*, John Brook, Speaker. [*C.O.* 40, 2. pp. 280-286.]

Nov. 20.
Whitehall.

1020. Council of Trade and Plantations to the King. We herewith humbly lay before your Majesty the Acts passed in a General Assembly of Nevis, May and June last, viz. (1) An Act for choosing three Assembly men for each Division in this Island for the time to come. (2) An Act for Encouraging three Companies of men to be ready for an Expedition to assist the English Colony at St. Christophers, and for providing Necessarys for their accomodation. (3) An Act for the better securing and confirming the Titles of some in this Island. (4) An Act to prevent Papists and reputed Papists from settling in this Island for the future, and for the better Governance of those that are already settled. (5) An Act for encouraging the Importation of white servts. and that all Persons shall be obliged to keep a white servant to every twenty Negroes living. (6) An Act that Phisitions and Chyrurgeons shall not practise without Lyeence and taking the oaths. (7) An Act for the more easy repairing of the Highways. (8) An Act for the Militia of this Island to meet and exercise every month. And having thereupon had the opinion of yr. Maj.'s Attorney General in point of Law, We humbly represent That the Act (3) does seem unreasonable, in regard that (as the said Act is worded) any person that hath been possessed of an Estate for seven years, tho' only for a particular Estate in Taile for life or years, or as Tenant at will, is declared to gain an Inheritance in the same. And we therefore humbly offer That the said Act be disallowed. That the Act (8) does ordain the same pains and forfeitures to be levied and executed for every neglect of Duty as were appointed by a former Act, Dated the 26th of February 170th, which is Entitled *An Act for the better securing the said Isld. against all Assaults Alarms etc. and for Repairing the Brest Works and round pathes.* But whereas in our Report to their Excellencies the Lords Justices of the third of September last, we did humbly offer our opinion, together with our reasons, that the said Act might be disallowed, and more particularly because of the unreasonable penalties thereby imposed; We do also humbly offer to your

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Majesty, that this *Act for the Militia etc.*, which is grounded upon that former, and does again enact the same things, may for the same reasons be likewise disallowed. As to all the rest of the forementioned Acts, we do not see any sufficient objection against them, and are therefore humbly of opinion that yr. Majesty may be graciously pleased to approve the same. *Signed*, Stamford, Lexington, Ph. Meadows, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 153, 7. pp. 270-274.]

Nov. 21.
Admiralty
Office.

1021. J. Burchett to William Popple. This morning I received a letter from the Capt. of the *Jerzey* that the said ship is arrived in the Downs, so that having his final orders and my Lord Cornbury on board, she will undoubtedly proceed on her voyage to New York without any delay. *Signed*, J. Burchett. *Endorsed*, Recd. 23, Read 26 Nov., 1701. 1 p. [*C.O.* 5, 1047. No. 7.]

Nov. 21.

1022. Minutes of Council of the Massachusetts Bay. 215*l.* 7*s.* 7*d.* paid to the fifty soldiers detached for H.M. service in the spring and summer to enforce the garrison on Castle Island.

186*l.* 14*s.* 4*d.* paid for wages of garrison at Cascobay, April 7, Oct. 25.

11*l.* paid to Capt. Thomas Prentis and Jonathan Gay for their services in taking the oversight of the Friend Indians of Natick from the Fall of the year 1694 until the Spring next following, to prevent them being exposed to or joyning with the enemy, and being otherwise serviceable in the time of the war. [*C.O.* 5, 788. pp. 109, 110.]

Nov. 22.
Office of
Ordnance.

1023. Board of Ordnance to the Council of Trade and Plantations. We have received your letter of 14th present and read the accompt of stores sent from this Office to the Plantations since Christmas, and have mentioned therein the time of the respective deliverys and the orders respecting the same. *Signed*, C. Musgrave, Wm. Boulter, Jon. Charlton, Ja. Lowther. *Endorsed*, Recd. Nov. 24, Read Dec. 22, 1701. $\frac{3}{4}$ p. *Enclosed*,

1023. i. Account referred to above, of stores of war etc. despatched to the Bermudas, New York and Jamaica. $7\frac{1}{4}$ pp. [*Board of Trade*. Plantations General, 5. Nos. 107, 107.i.]

Nov. 24.
Whitehall.

1024. Mr. Secretary Vernon to the Council of Trade and Plantations. I have laid your letter of the 19th, with enclosures. before H.M., who is pleased to direct that in relation to Totterdale therein mentioned, you should inform Mr. Attorney General what he stands charged with, and advise with Mr. Attorney how he may be proceeded against either in Jamaica, if he be still there, or in England, when he shall come hither, and upon your

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report, H.M. will signify his further pleasure. *Signed*, Ja. Vernon. *Endorsed*, Recd. 25, Read 26 Nov., 1701. *Holograph*. $\frac{3}{4}$ p. [*C.O.* 137, 5. *No.* 57; and 138, 10. p. 318.]

Nov. 24. **1025.** William Byrd to the Council of Trade and Plantations. Renewing his application for the place of Secretary of Virginia. *Signed*, William Byrd. *Endorsed*, Recd. Nov. 24th, Read Dec. 17, 1701. 1 p. [*C.O.* 5, 1312. *No.* 17.]

[Nov. 25.] **1026.** Thomas Corbin, of London, Merchant, to the Council of Trade and Plantations. Memorial in behalf of Edmund Jenings' petition for the place of Secretary of Virginia. *Endorsed*, Recd. Nov. 25, Read Dec. 17, 1701. [*C. O.* 5, 1312. *No.* 18.]

[? Nov. 25.] **1027.** Tho. Hodges to the Council of Trade and Plantations. I enclose three Affidavits which prove that Mr. Chilton, H.M. Attorney General of Barbados, takes fees of both sides in causes and betrays the secrets of his clients to the other side, and I doubt not to be able to give your Lordships many other proofs to this purpose, if it be thought necessary. *Points out contradictions* in Mr. Chilton's letters, June 1700, to him, and to the Governor of Barbados, May 17, 1701. *Signed*, Tho. Hodges. *Endorsed*, Recd. 25th, Read Nov. 26, 1701. $2\frac{3}{4}$ pp. *Enclosed*,

1027. i. Deposition of James Cowse of the Middle Temple, that Edward Chilton arrived in Barbados Jan. 1699, and some time afterwards informed deponent that he was retained by Tho. Hodges, particularly in his suits against Thomas Horne and Henry Gibbes, whereupon deponent informed him that he was retained to be Counsel for the latter in all their suits. Chilton then informed him of the directions he had received from Hodges how to proceed, and also that he had received a letter of Attorney from him, which he had not proved or recorded, nor did he intend so to do, for fear of being laid by the heels, alluding to one of the opinions cited by Hodges, wherein it was said that Major John Pilgrim, (who was still then his Attorney) deserved to be laid by the heels for making a composition with Horne without any authority from Hodges. *Signed*, James Cowse. Oct. 22, 1701. 1 p.

1027. ii. Deposition of James Cowse that Edward Chilton accepted a fee from him to appear as his Counsel in a case against William Sharpe, having already been retained by a fee from Sharpe, but in what cause he knew not. Chilton promised to render Cowse all the help he could and not to take any fee against him, and took his papers. Presently he endeavoured to return 50s., half of the fee he had received from deponent, alleging that was the full fee, and protested that he could not appear for him, but would remain neuter. When the case was tried, he refused to argue it for him, and deponent

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is informed that he had received a subsequent fee from Mr. Sharpe. *Signed*, James Cowse. Oct. 22, 1701. 1 p.

1027. iii. Declaration of Melatiah Holder of London, Merchant, that before Edward Chilton went to Barbados, deponent several times endeavoured to give him a fee to retain him to be Counsel for James Cowse *v.* William Sharpe, which he refused as being the friend of Cowse and of the same profession, but said he would assist him all he could against Sharpe without a fee. *Signed*, Mel. Holder. Nov. 6, 1701. $\frac{3}{4}$ p.

1027. iv. Deposition of Christopher Prissick, London, Sept. 10, 1701. Whereas Tho. Hodges did in Nov. 1700 draw a bill for 140*l.* on Edward Chilton in Barbados payable on my account for the value received by me, I do acknowledge that Mr. Hodges told me at the time that he did not expect Mr. Chilton should pay it, he not having any of his money that he knew of, and for that reason would not write any letter of advice to him to pay the bill. Mr. Chilton's name was used for form's sake only, Mr. Hodges at that time designing to go to that Island himself, to receive the debts due to him, and would have paid the Bill himself there. *Signed*, Christoph. Prissick. $\frac{1}{2}$ p. [*C.O.* 28, 6. *Nos.* 23, 23.i.-iv.]

- Nov. 25. 1028. Journal of Council of Trade and Plantations. Papers relating to the administration of Justice in Barbadoes further considered.

- Nov. 26. Letter from Mr. Burchett read.

Letter from Mr. Secretary Vernon, Nov. 24, read. Ordered that the Laws of Jamaica relating to any persons coming away without leave be inspected, in order to the further consideration of that matter.

Papers concerning the administration of Justice in Barbadoes further considered. Two further papers from Mr. Hodges read. Copies of the latter, referring to Mr. Chilton, ordered to be made and transmitted to the Governor of Barbadoes, that he may take and transmit Mr. Chilton's answer. [*Board of Trade* Journal, 14. pp. 211-213.]

- Nov. 26. 1029. Lord Cornbury's Commission to be H.M. Captain General and Governor in Chief of H.M. Province of New York and the Territories depending thereon in America. *Similar to Commission of Governor Codrington abstracted Cal. A. and W.I.*, 1699. No. 382. Appeals to be permitted from the Courts to the Governor and Council if the value appealed for exceed 100*l.*, and security for charges be first given by the appellant; and thence to the King in Privy Council provided the matter in difference exceed 300*l.* in value and security be likewise given. Upon his death or absence, if there be no Lieut.-Governor, the Council is to administer the Government, and the first Counsellor to preside "with such powers and preeminences as any former

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President hath used and enjoyed within our said Province or any other our Plantations in America." He is to be Capt. General of the Militia and all forces by sea and land within Connecticut and East and West New Jersey. [*C.O.* 5, 1118. pp. 426-439.]

Nov. 26.

1030. Lord Cornbury's Instructions for the Government of New York and the Territories depending thereon. *Similar, in general, to the Instructions to Brigadier Selwyn abstracted supra*, 647.ii. *Names of Council*:—William Atwood, William Smith, Peter Schuyler, Abraham Depeyster, Samuel Staats, Robert Walters, Thomas Weaver, Sampson Shelton Broughton, Wolfgang William Romer, William Lawrence, Gerardus Beckman and Rip Van Dam.

Variations and Additions:—And whereas the inhabitants of H.M. said Province have of late years been unhappily divided, and by their enmity to each other H.M. service and their own general welfares have been very much obstructed, you are therefore in the execution of H.M. Commission to avoid the ingaging yourself in the parties, which have been formed amongst them, and to use such impartiality and moderation to all, as may best conduce to H.M. service and the good of his Colony. . . . And you are likewise to use your best endeavours to procure a good map to be drawn of all the Indian country in the neighbourhood of H.M. Plantations in those parts, marking the names of the several Nations, as they call themselves and are called by the English and French, and the places where they inhabit, and to transmit the same. . . . You are to endeavour the passing an Act for punishing mutiny, desertion and false musters and for the better preserving of discipline among the soldiers. You are to send an account of all stores carried thither since March 1692, and an inventory of arms, etc., yearly; to settle public store-houses. *Contributions from the other Plantations ordered to be made towards the fortifications on the northern frontiers enumerated.* You are to signify to East and West New Jersey that their quota is 250*l.* sterling each, and you are to call upon them, and the respective Governors of the Plantations for the said respective sums. You are also in H.M. name and in consideration of his Royal goodness and care, instantly to recommend to H.M. Council and the General Assembly that they exert the utmost of their power in providing without delay what further shall be requisite for repairing erecting and maintaining of such forts in all parts of that Province as you and they shall agree upon. You are likewise to signify to them H.M. instructions to the neighbouring Colonies to contribute their quota of assistance, in case the frontiers be invaded, pursuant whereunto you are, as occasion requires, to call for the same; and in case of any invasion upon the neighbouring Plantations you are upon application of the respective Governours thereof to be aiding and assisting them in the best manner you can, and as the condition and safety of your Government will permit. And you are withal to signify to

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H.M. Council and the General Assembly that according to their behaviour in this occasion they will recommend themselves to his Royal grace and favour. And you are more particularly to take notice that notwithstanding H.M. was graciously pleased to advance 500*l.* towards a Fort in the Onondage Country, and to give orders for the building thereof, which upon information received from the Earl of Bellomont concerning an alarm of a general insurrection of Indians did then appear to be very necessary, yet nevertheless those orders were never intended to hinder or interfere with the repairing of the Forts at Albany and Schenectady at the same time, which H.M. thinks so absolutely needfull, that unless those two nearest Forts be kept up in a sufficient state of defence, the building of a Fort in so remote a part as the Onondage Country will in case of war (by its falling into the enemy's hands without our having any other place of retreat and security for our Indians) be of much worse consequence than if there were no such Fort, and you are therefore to use your endeavours with the Council and Assembly of that Province for the passing of such further Acts as may direct the money raised, or to be raised, by them for the building or repairing of Forts, to be applied in the first place to those of Albany and Schenectady, and afterwards to such others as you and they shall agree to be necessary. You are to send an account to the Forts etc. in your Province upon your arrival, and afterwards yearly. Due entries are to be made of goods exported and imported, and copies thereof to be transmitted yearly. An account of the rates and duties levied is to be sent half-yearly. You are to encourage the officers of the Admiralty and Customs: to give an account of the strength of your neighbours [be they Indians, or others]. And whereas H.M. is informed that some of the Colonies adjoining to his said Provinces under colour of grants, or upon some other groundless pretences, endeavour to obstruct the trade of New York and Albany, you are not to suffer any innovation within the River of New York, nor any goods to pass up the same, but what shall have paid the duties at New York, to the end the chief benefit of that trade may be preserved to the inhabitants and traders of New York and Albany, the same being agreeable to the Laws of the said Province, to former practice, as well as necessary for the collecting those Customs and other duties which are to be raised for the support of H.M. Government there: And in case you find the inhabitants of East Jersey or others have any way of trading with the Indians in the neighbourhood of New York prejudicial to the inhabitants of that Province, you are upon all occasions to discourage the same, and to give notice thereof to H.M. and the Commissioners for Trade and Plantations, with your opinion what is proper to be done therein. You are to encourage the Indians upon all occasions, so as they may apply themselves to the English Trade and Nation rather than to any other of Europe, and you are to call before you the Five Nations or Cantons of Indians, and upon their renewing their submission to H.M. Government, you are to assure them in

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his name that he will protect them as his subjects. And you are to give the like assurance to the Schacook or River Indians, and to such other Indians in that neighbourhood as by their union and friendship with the Five Nations aforesaid, and in conjunction with them, shall submit themselves in the same manner to H.M. Government. And when any opportunity shall offer for purchasing great tracts of land for H.M. from the Indians for small sums, you are to use your discretion therein as you shall judge for the convenience or advantage which may arise unto H.M. by the same. You are to take an account of what goods, arms and other stores etc. have been sent from hence to the two last Governors to be distributed as presents to the Five Nations, and how the same have been distributed. More particularly, whereas H.M. has understood that before the arrival of a present to the value of 800*l.* sent the last year by his ship, the *Advice*, the Earl of Bellomont had provided with the public money of that Province and accordingly distributed other presents to the said Indians, so that what was then sent from hence did all or the greatest part thereof remain in store, you are to take an exact inventory of what is so remaining, and in calling before you the Indians aforesaid, you are to distribute amongst them such part thereof as you shall judge convenient, and in such manner as may best conduce to engage them in their dependence on and subjection to H.M. Government. . . . You are to send an account of the wants and new improvements in your Province from time to time. H.M. being informed that his Province of New York does abound with vast numbers of fine trees proper for the production of pitch and tar, amongst which are also some of the largest dimensions fit for masts for his first-rate ships of war, and that there are likewise great numbers of oaks and other timber trees fit for beams, knees, planks and other uses in his Navy Royal, and it being highly for H.M. service and the advantage of this kingdom that all sorts of Naval stores be as much as possible produced in his Plantations in America, and from thence imported hither, you are therefore to apply your utmost care and diligence towards the promoting of so necessary a work; and if in order to the more effectual prosecution and advancement thereof, you find it necessary to desire the concurrence and assistance of the General Assembly of that Province towards carrying on of the same, or any part thereof, you are accordingly to move them that such reasonable laws may be enacted as will best conduce thereunto; or if that also shall prove insufficient, you are to consider what further assistance may be necessary from hence, whether by Act of Parliament or otherwise, and you are to transmit to H.M. and his Commissioners for Trade and Plantations a particular account of all your proceedings therein, and of the obstacles you meet with, and by what means you conceive those obstacles may be best removed. You are to take to yourself as Governor 600*l.* sterl. per annum out of the Revenue. No printing press is to be kept without your especial leave and licence. You are not to declare war without the King's commands, except

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it be against Indians upon emergencies, wherein the consent of the Council shall be had, and speedy notice given thereof unto H.M. *Orders and Instructions upon Acts of Trade and Navigation follow* (pp. 466-487). [*C.O.* 5, 1118. pp. 440-487.]

[? Nov. 26.] **1031.** Summary of Mr. Hodge's reply to the answer of the Governor and Council of Barbados to his complaints. The following particulars are fully proved by the Journals of the Council and Courts of Barbados. The Governor and Council admit the Court of Chancery was held on one day only from July 26, 1698—Jan. 25, 1699, but excuse it by saying that the Island was sickly and the Governor indisposed. Petitioner offers to prove by many witnesses that the Island was not more sickly at that time than it has been for seven years past, and shows by the Records that the Courts of Common Pleas did sit in that time and that the Governor sat in Council 14 several days in those five months, and was every day attended by a greater number of the Council than was necessary to have held a Court of Chancery. It appears that from Jan. 26, 1698 (9) to July 5, 1699, the Chancery sat but two days, and for this last they make no apology in their answer, so that in the first year of his Government there were 11 months wanting six days in which the Court of Chancery sate but four days. In the second year, the Court of Chancery sat to hear causes but one day in 11 months, Sept. 7, 1699-Aug., 1700, and they heard and determined but two causes that day. For four months of this time, April-July, 1700, they make an apology that the Island was then soe very sickly that neither lawyers nor clients would attend the Courts; but the Court of St. Michael's, which sits in the same Town with the Chancery, sat April 24-26 and did a great deal of business, and on July 9 they ordered a General Thanksgiving to be held on the 25th for their deliverance from the sickness, so that this excuse can be good for little more than two months. It appears that from the beginning of his Government to the time when the Petitioner complained, Dec., 1700, the Chancery sat very seldom, and there was very little business done on many of the days on which it sat. They sat one day in Sept., 1699, and then heard but two motions of course, then sat but one day in October and heard but two common motions; in another month they heard but three motions, at another Court they had 5; in several Courts about 7 motions each, and in one Court out of 7 motions three were adjourned; out of 29 nineteen have been adjourned, and out of 21 ten have been continued to another Court. Thus was that Court managed at a time when many hundred cases were there depending. It appears that the Court of Errors, which ought to sit once a month, or so often as there is occasion, did not sit once from the Governor's arrival in July, 1698, till Jan. 24, 1700 (1701), though several petitions were made that it might sit, and several persons ruined by its not sitting. But on Dec. 3, 1700, there was an order read in the Council of Barbados for sending to England the Journals and Proceedings of all their Courts; on which they ordered a

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Proclamation to be made that a Court of Errors would be held on Jan. 24, and in 5 days sitting of that Court there were about 20 writs of Error before them, so that they cannot pretend that it was for want of business that Court neglected to sit. It appears that a great number of injunctions have been granted by that Court, the much greater part of them the same day. Bills were filed, and on bare suggestions; most of them granted out of Court, and at times when the Court did not sit by the Governor. Many of these injunctions continued for several years, by which the proceedings of the Courts of Common Law in that Island are stayed, to the obstruction of Public Justice and great oppression of the people. It appears that, tho it be the duty of a Governor of that Island to appoint new Judges on the death of others, and to see that the Courts of Common Pleas do sit at the times appointed by the Laws of that Island, and behave themselves in other things as they ought, yet the neglect of this Governor hath been such that few of those Courts have tolerably discharged their duty, most of them having neglected to sit at the times appointed by the Laws of that Island (which is two or three days in a month, nine months of the year), and the Court of St. Andrews sat but one day in 14 months of this Governor's time. And on the death of Mr. Gardiner, one of the Judge Assistants in the Court of St. Michael's, the Governor neglected to fill his place till about 6 months after; by which all the business of that Court was stayed, though there be more business depending in that Court than in two or three other of the Courts of Common Pleas in that Island.

As to the Petitioner's particular sufferings, he proves that having a suite in that Chancery for about 3,000*l.* against Mr. Tho. Horne, he was not able in 23 months to obtain an answer to his Bill from the said Horne, by reason of the adjournments and great delays of that Court, and the indulgence thereof to him when it did sit. He proves that in a suit against Sir Samuel Husbands in the same Court, the defendant was so long protected by the delays of that Court, that he lost a debt of above 1,800*l.*, together with all his charge and trouble, by the death of Sir Samuel before that suite was determined. He proves that being interested in several suits in the Court of Common Pleas in that Island, he has been delayed therein for many years, and that two of them were stayed by injunction out of Chancery, on bare surmises, for about two years, and he is still without benefit of any of those suits by reason of the male administration of Government in that Island. *Endorsed*, Recd. Read Nov. 26, 1701. 2 closely written pp. [*C.O.* 28, 6. No. 24.]

Nov. 26.
Boston.

1032. Minutes of Council of the Massachusetts Bay. Letter from Lieut.-Governor Nanfan, New York, Nov. 17 read, stating that Col. Romer may this winter leave such directions for ye proceedings on the Forts at Albany and Schenectady early in the Spring, that without prejudice to H.M. service, as far as he at present could foresee, he might be spared to finish ours, if it

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will take up no longer time than three months. Answer drawn up and signed.

Proclamation ordered and signed proroguing the Assembly till Feb. 18.

149*l*. 10*s*. paid for the wages of the Garrison of H.M. Fort Mary at Saco, April 23-Oct. 22.

34*l*. 0*s*. 10*d*. paid to Capt. James Warren for sloop-hire for transporting soldiers to and from Cascobay and billeting them. [*C.O.* 5, 788. *pp.* 110, 111.]

Nov. 26.
Portsmouth.

1033. Minutes of Council of New Hampshire. Ordered that Richard Waldron and Theodore Atkinson have the accustomed fees paid them for the inquest of two dead corps found drowned. Ordered that a Thanksgiving Day be held throughout this Province on Thursday each fortnight.

Elisha Bryer paid for attendance on the Council. [*C.O.* 5, 789. *p.* 70.]

Nov. 27.
Westminster.

1034. Copy of Mr. Henry Carpenter's Patent for the place of Secretary of the Leeward Islands. *Countersigned*, Cocks. *Endorsed*, Recd. Nov. 29, Read Dec. 2, 1701. 1 $\frac{3}{4}$ *pp.* [*C.O.* 152, 4. No. 59; and 153, 7. *pp.* 274-276.]

Nov. 27.
Whitehall.

1035. Council of Trade and Plantations to Governor, Lord Grey. Upon occasion of our examining the complaints that have been laid before us by Mr. Hodges relating to the Administration of Justice in Barbadoes, with the answers returned to us from thence by your Lordship, and the Council of that Island; the said Hodges has again offered to us some further replys, and amongst other things has laid before us one particular Memorial, with three Affidavits and one Declaration annexed, relating to Mr. Chilton, H.M. Attorney General in that Island, of which we send you copies here inclosed, desiring you to examine the truth of those allegations, and to transmit to us an account thereof, with what speed it can conveniently be done. *Signed*, Stamford, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 29, 7. *p.* 443.]

Nov. 27.

1036. Journal of Council of Trade and Plantations. Letter to Governor Lord Grey, inclosing Mr. Hodges' Memorial and other papers relating to Mr. Chilton's conduct, signed. Further progress made in considering the administration of justice in Barbadoes.

Nov. 28.

Letter from Lord Grey to Mr. Eyles, with several papers enclosed relating to Mr. Skene, read.

Letters from Lieut.-Governor Nanfan, Sept. 24 and Oct. 2, read, and enclosures laid before the Board. Ordered that Mr. Champante be desired to inform the Board, whether the Bills of Exchange, mentioned in these letters, have been paid, and what care is taken for the discharge of other Bills that have been or may be drawn from New York for the subsistence of the soldiers there.

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Mr. Dockmenie, Mr. Dockwra and Col. Maurice returned to the Board the draught of a Commission and Instructions, prepared for a Governor of the Jersies, with several notes made upon them by the Proprietors of the Country, and further declared that the said Proprietors both of East and West New Jersey did unanimously concur in those notes. Whereupon their Lordships proceeded to read them, and resolved to take them into further consideration on Tuesday next. [*Board of Trade. Journal, 14. pp. 213-218.*]

Nov. 28. **1037.** Governor Lord Cornbury to William Popple. Acknowledges letters of Nov. 12 and 20. I have been on board H.M.S. *Jersey* ever since Nov. 5. Indeed we have had contrary winds almost ever since, soe that we got into this road but on Munday last. You may assure the Lords Commissioners for Trade and Plantations that there shall be no delay on my part in the further progress of my voyage. *Signed, Cornbury. Endorsed, Reed. Read Dec. 2, 1701. Addressed, to W.P. etc., at the Cockpitt near Whitehall. Sealed. 1 p. [C.O. 5, 1047. No. 6.]*

Nov. 29. **1038.** William Popple to John Champante. The Council of Trade and Plantations have lately received letters from Capt. Nanfan, Lieut.-Governor of New York, wherein he seems alarmed by some letters that had been writ thither from here, lest the Bills drawn for the subsistence of the soldiers there since the death of the Earl of Bellomont, should not have been paid; their Lordships have commanded me to desire you to inform them how that matter stands, and what further care is taken for the discharge of Bills that have been or may be drawn from thence for that service. [*C.O. 5, 1119. pp. 10, 11.*]

Nov. 29. **1039.** Minutes of Council of Maryland. H.E. produced H.M. letters of May 21, 1701, and Col. Edward Lloyd, James Sanders and Lt. Col. William Holland were sworn of the Council accordingly.

H.M. letter of Jan. 19, 1701, read, directing 650*l. sterl.* to be furnished by this Province for the aid and defence of the frontiers of New York. This Board desiring to procure a dutiful compliance, it is their opinion that in regard the Government of New York has never yet call'd for the said sum, it would have been very chargeable to this Province to convene the General Assembly on purpose, neither would it have been advisable upon the first receipt thereof to have then proposed it to the Assembly here, who might perhaps [*have*] followed the example of our neighbours in refusing it; but that it being convenient that our Assembly should meet early in the spring, they being sensible of the charges they have avoided by their not meeting this autumn, upon that occasion may be the easier inclined to give a ready compliance thereto.

H.E. laid before the Board the letter of the Council of Trade and Plantations, June 15, with the proposed Law for Establishment

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of Religious Worship according to the Church of England, and for the maintenance of Ministers here, which said proposed Law is referred to be laid before the Assembly at their next first sitting to enact the same.

Letter of the Council of Trade and Plantations, July 22, read, requiring information relating to the ill conduct of Proprietary Governments, especially Maryland, when under that Government, and also of Pennsylvania and the Jerseys.

Whereupon H.E. required the members of this Board (they having been resident in this Province when under the Proprietary Government) to give him the best information they can as to the observations they have made upon the ill conduct of that Government, and likewise of what they know or have heard concerning the Proprietary Governments of Pennsylvania and the Jerseys. To which they do say that as to this Province when under the Proprietary Government of the Lord Baltimore and those by him impowered, they have been informed great irregularities were committed, but forasmuch as their Lordships' commands are instant for a speedy answer, they can only give this present account, reserving themselves to give their Lordships such further circumstances and proofs as at present they cannot for want of time. They are well assured there were then no oaths of allegiance or other obligatory oaths to H.M. imposed or administered, whether to members of Council, Justices or the Ministerial Officers, but that such persons only took an oath of fidelity to his Lordship and other oaths for the due execution of their respective offices. There were several Laws then made with the advice and consent of the Assembly, but how far repugnant to the Laws of England or prejudicial to Trade they cannot pretend to judge. They never understood that those Laws were sent to England otherwise than to the Lords Proprietary when there residing. There were not any appeals allowed to England, but the judgement and sentence of the Governor and Council which was then stiled the Upper House of Assembly was final in all causes, and the Governor and Council, who were the only Judges of the said Appeals, were the same persons who gave judgment in the Provincial Court, the Lord Proprietary and his Council being the Judges of that Court. Two of H.M. Collectors of Putuxent, Christopher Rousby and John Payn, were murdered in the execution of their offices, though they cannot say the same was absolutely chargeable upon the Government. They do not know of any great application by that Government made for arms and ammunition, though they are very credibly informed, and there are persons yet living that will attest the 14*d.* per ton formerly and yet taken by and paid to the Lord Proprietary as Port Duties was intended and given for the maintenance of Forts and defence of the Provinces, and was originally stiled Fort Duties and not Port Duties, which duties they humbly conceive of right belong to H.M., and doubt not in a small time to demonstrate the same.

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As to Pensylvania, they are senceible that the raising and lowering coins has been an advantage that Government has had above H.M. immediate Governments, but what advantages they have made thereby they cannot judge, but believe it has at some time been the means to draw out the money from H.M. Governments to the Proprietary Governments, and for some time and still dos continue so to do from this Province to Pensilvania. That Government, before Governor Pen's last arrival there, did give too much countenance to fugitive seamen, debtors and runaway servants going from hence, and did rather impede than further their return. But Mr. Pen upon his arrival gave some redress to those evils, and continued so to do during his stay there, especially as to runaway servants. They have been credibly informed that for some years last past many pirates have resorted to that Government and in great probability have contributed much to the enriching that place, and do understand that Col. Quarry, who has resided there some years, is lately gone for England to lay the state of that Province before their Lordships.

As to the East and West Jerseys having no commerce with them, being remote, can only say that they have been generally informed that they have been a receptacle of pirates with their effects, and have also given encouragement to illegal traders running their goods there. Neither have the inhabitants had much regard for the Government imposed on them by the Proprietors, having at their pleasures imprisoned their Governor and again received him as such, according to the prevalence of the several parties.

H.E. having laid before the Board the accounts of the Vestries of the several Parishes, wch. are ready to be sent to their Lordps. of Trade and Plantations, in order to the obviating some false objections which have been made in England against the raising and disposal of the 40*lb.* of Tobacco per poll here for support of the Ministry, ordered that the Clerk of the Council see them regularly stated and fairly transcribed in order to be sent to their Lordships.

H.E. proposed that, in regard an opportunity now presents of buying some powder now in the country, whether it may not be advisable at this juncture to embrace the occasion. The Council say that they are senceible that there is a considerable quantity of powder already in the country, which is continually decaying and dampnifying, therefore do not at present think it necessary.

Securities accepted for H.M. Receivers. Upon the application of George Plater, ordered that the Clerks of the County Courts forthwith return an exact list of all fines and forfeitures in their County Courts, which has fallen since H.M. more immediate happy Government.

H.M. Advice-boat *Eagle* ordered to be brought into the Creek that she may be ready upon all occasions, if the weather will permit.

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Sir Thomas Laurence, Bart., produced H.M. Letters Patents for the Secretary's Offices and Minutes of Nov. 19, showing that he had been sworn before H.E. and Col. Hammond, which were read and well approved of. The Secretary said that he had at present brought no order to be admitted of H.M. Council, but that he had made it his request to the Council of Trade and Plantations that his attendance in the same might be excused for a time, which request they were pleased to grant. [*C.O.* 5, 744. *pp.* 11-20.]

Dec. 2.
Virginia.

1040. Governor Nicholson to the Council of Trade and Plantations. It is a very extraordinary great trouble to me that I can not now send your Lordships an account of the Assemblys having comply'd with his Majesties Royall Commands to me of January 19, 170^q, about New York etc., but I thank God I am not conscious to myself that I have been wanting in my bounden duty to his Majesty in that affair, or of not using my utmost endeavours with the Assembly for putting this his Majesty's Colony and Dominion in a posture of defence for the security thereof, according to his Majesties Royall Commands of the 4th of March 170^p. According to your Lordships' direction of August the 21st, that things of one nature might be together, I have had a separate Journal made of all the proceedings of Council and Assembly concerning the fortifications and defence of the country and New York etc., and H.M. commands concerning New York, wch. I hope will be satisfactory to your Lordships. But I beg leave to assure your Lordships, that tho' the Assembly did in no sort comply, neither about New York, nor buying Arms and Ammunition etc., yet I will endeavour what in me lies to assist H.M.'s Province of New York, and to secure this H.M.'s Colony, and I hope God allmighty will enable me to discharge my duty therein.

The Honorable Collonel Robert Quarry was here when our Assembly was sitting, and if your Lordships please, he can give you an account of the discourses he had with several of the Assembly, and likewise of what observations he made. I have fully discoursed him about these affairs, and beg that your Lordships would let him give you a true and perfect account thereof: for I am very well satisfied he can and will doe it faithfully. I thought it absolutely necessary for his Majesty's service to send some person of this Country to wait upon your Lordships; in order, if you please, to give your Lordships a just and full relation of all our circumstances etc. And none of the Gentlemen of his Majesties Honourable Council being willing to undertake it; I could not think upon, nor find any fitter man than Mr. Dionysius Wright, Clark of his Majesties honourable Council here and one of the best Lawyers we have (Mr. Benjamin Harrison and he being generally esteemed the best, the other few we have being not much regarded) and he now (God willing) is designed along with Col. Quarry in H.M.S. *Shoreham*. If your Lordships please to take my word on his behalf, I dare venture to answer for his zeale for his Majesty's interest and service, and

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for his abilities, your Lordships will be the best Judges, if your Lordships please to order him to wait on you, and give you either a verbal or written account : for I have likewise fully discoursed him on all affairs. And he having been Clerk of the Council as also of the Council in Assembly, if your Lordships meet with any difficultys in those Journals, or other proceedings (for I am afraid your Lordships will find many) he may be able to make them more plain, as likewise to answer questions. The Council having joynd with the Burgesses in an Address to his most Sacred Majesty, and for appointing Mr. Wm. Bird to be their Agent, is one reason for my sending Mr. D. Wright who is an old Englander, and hath lived here about 30 years in diverse capacities, and I think knows the humors of the people and the several interests of the Country very well ; but more particularly what hath been transacted of late in the Assemblys, Councils, etc.

With submission I humbly propose that no incouragement be given to the Council and Burgesses their Address to his Majesty, nor to their Agent in this Affair : not that I have, I doe assure your Lordships, any ill will or aversion to Mr. Bird, but to the business that he is designed to be employed about. For I doe heartily wish that at least the first time he had appeared as an Agent etc. it might have been not to have presented to his most sacred Majesty a very long Address consisting of negatives to his royall Commands. If they succeed in this Address, I have reason to believe that whatever commands shall come from his Majesty of the like nature, they will in the same manner be denied ; and it may cost more (as this affair hath done) in the long sitting of an Assembly, and employing of an Agent, than what his Majestys commands should be done. My humble opinion is, that H.M. would be pleased to signify his royall displeasure and disapprobation of what the Assembly hath done concerning his royal Commands relating to New York ; and securing this H.M.'s Colony and Dominion ; and order or command them upon their Allegiance, to comply therewith : And I hope in God that they will then doe them : For there may be laid upon every hogshead of Tobacco 6*d.* : nay it will bear 12*d.* the Hoggsheds of sweetscented Tobacco, weighing from six hundred to a thousand, and the aronoko from 5 to 8 hundred pounds : and that 6*d.* or 12*d.* may be collected with no more charge upon it than 10 p Cent., as the Dutys upon Liquors, Slaves and Servants, which said Dutys will also bear 25 or 50 p Cent. more.

One of the great misfortunes that this Country lives under at present, is that the Assembly cannot, or will not be made sensible of the necessity of assisting his Majesty's Province of New York with money or men, or that they are in any danger of being attacked by the French, either by sea or land ; for the Country consists now most of Natives, few of which either have read much or been abroad in the world : so that they cannot form to themselves any Idea or Notion of those things (tho' in point of Trade and of Plantation Affairs they are generally very knowing). But they are very sensible of the weak and defenceless

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condition of the country in respect of their Militia, which they own to be composed of undisciplined and unskilfull officers and soldiers, and which to my great grief and sorrow I have found too true, as likewise the great want of Arms and Ammunition, both for the Militia, and for publick stores. So I am in hopes that your Lordships will be pleased to move his most Sacred Majesty that the firemasters, Arms, Ammunition etc., which are desired by H.M.'s honorable Council and myself, as your Lordships may please to see in the Journal of the Council, may be sent hither; and the charge thereof may be defrayed out of H.M.'s quit-rents, if your Lordships think proper. And it may be signified to the Council and Burgesses that it is upon their having presented H.M. with 420*l.* sterling for and towards defraying a charge accruing upon taking a Ship of Pyrates etc. as 'tis in their Address to the King of October 27, 1700. And I herewith also inclose another Address to the King of the same date and signed by myself, H.M. Council, and the Gentlemen of the house of Burgesses: and this may be an incouragement for them to comply with his Majesty's royall Commands about New York, or any other of the like nature, when they see that upon their compliance H.M. would be graciously pleased to assist them, for I find nothing but ocular demonstration will convince them of anything. *Refers to enclosures*, by which your Lordships may please to see how very badly they are provided with Arms and Ammunition, and that I have not yet the lists from Stafford and Surrey, nor of the Dragoons and Foot of New Kent, tho' I have sent several orders to the Collonels and Commanders in Chief thereof. I dare venture to assure your Lordships I don't believe that a quarter-part of the Militia (and that quota must be brought from all parts of the Country) both in respect of men, Arms and Ammunition, can be drawn out fit to oppose an Enemy. As for the Officers, none or very few were ever in any Ingagement, neither the Soldiers: for even in Bacon's time they seldom stood above one or two volleys, but either one part or the other went away: But that fighting was with one another; and there was no great difference in the Officers and Soldiers in point of courage, conduct, Armes and Ammunition. I do not know any one man in all respects proper to command 7 or 800 men, no not half that number, either to attack an Enemy, or defend any place; so if please God they should land such a number, they may spoil or destroy all or most of the plantations upon the rivers, and on the Bay-side, and likewise on the Eastern shore, which lie commonly in Necks, being great tracts of land, and have single plantations which belong to the principal Inhabitants: but their famillys consist mostly in Negroes and Servants, and they have stocks of Cattle etc. These Necks have for the most part on each side of them either Creeks, swamps or marshes, and reach up into the Country sometimes a mile or two from the rivers; so that there is no marching of men along the rivers' sides, in order to the hindering an Enemy's landing. And as for attacking them upon the water, here are no sorts of proper boats in the Country, except

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the shipping should be here, and they would be lyable to be destroyed by the Enimy, there being no place in the Country to secure them. And I think no place can be made to do so ; except at Tyndals point, and the other side of York River : But to fortify it, there must be an Engineer, and I suppose it would cost at least 5 or 6 thousand pounds sterling, and then would be only proper to secure the ships that could get above that Fortification, and secure the Plantations in that River, from being attacked by water. For if please God that a squadron of an Enemy's ships should come and ride in the Bay by new point Comfort, it's the most convenient place in all the Bay, being it lies to the Norward of the mouth of York River, nigh the centre of the Country by water : and 6 or seaven leagues to the South thereof may be seen what ships or vessels come in at the Capes. It is the narrowest part of the Bay, and the best place to anchor in, and if they can send seaven or eight hundred men in proper boats, they may destroy the Plantations before-mentioned. And if this should be done between the latter end of May and the same time in 7ber, and they stay but a month or 6 weeks at farthest, the crops of Tobacco may be spoyled, being it's of such a nature that it requires allmost daily attendance : For if such a thing happens, which God forbid, I am too sensible that the Country would be very extraordinarily alarumed, if not affrighted, and put into a hurrey, if not confusion : and the Militia must be raised : by which the crops will be neglected ; and 'tis to be feared that the Servants and Negroes would take that opportunity to rise, when the Militia is marched to the Bay and River's sides : And that would be of more fatal consequence than the other : for even the subduing of them would be a loss either to the Publick, or to particular men. These, and things of the like nature, I have fully discoursed in Council, and made them sensible thereof : and Coll. Quarry and Mr. Wright can inform your Lordships more particularly about them. But this is with all deference to your Lordships' better judgments, as likewise what I now propose, viz. : that a suitable squadron of men of war may cruise upon these Coasts, which I think they may do from the beginning of April to the latter end of October : for there is no great fear of an Enemy's coming upon these Coasts the other part of the year. Such a squadron I humbly conceive, may secure all H.M.'s Empire in this Continent of America : nay even the Bahama Islands, Bermudas, and Newfoundland. They may either touch at the several places, or send a light Frigot or tender to them for intelligence. And if the Enemy should attack any one or more of the Countrys in the several Governments on the Continent, there may be an account thereof sent to the rest, so that they may be upon their guard, and give notice to the squadron of men of war in their parts : And if the Bahama Islands, Bermudas and Newfoundland, yet I hope they may be able to send an account thereof to some place on the Continent, and may be in their voyage thither may meet with the squadron. I am of opinion that if such a squadron was ordered for these parts, the Enemy

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would not venture to attack any place on the Continent, nor the three foresd. Islands, for fear our squadron might find them whilst they were attacking any of the foresaid places. *Signed,* Fr. Nicholson.

P.S.—I beg leave to observe to your Lordships that Princess Ann County in which is Cape Henry, is pretty large, and the Inhabitants dispersed, and there are but 341 of the Militia, including Officers, and but badly armed. Norfolk, the next County above it, is much such another in all respects. Elizabeth City County, in which is old point Comfort at the mouth of James River, and one of the most likely Counties for an Enemy to land in, is very small and hath but 163 in the Militia, including Officers, and they are but badly armed. Warwick County, next above it, is somewhat long but narrow, and there are but 248 in the Militia, including Officers, and they are but badly armed. The Eastern Shore is about 100 Miles long, but narrow, with a great many small Rivers and Creeks on both sides of it. Northampton County, in which is Cape Charles, hath but 315 in the Militia, including Officers, and they badly armed. The Upper County on that Shore is Accomack, in which there are but 312 Militia, but they are indifferently armed. But the Honble. Collonel Charles Scarborough told us in Council that there were 100 and odd men more, but they had no arms so he did not return them in the list. The uppermost Countys on the several Rivers, tho' they are commonly the largest, and have the most Militia in them, yet they are very long and the Inhabitants, especially in the upper parts of them, live very stragling. Henrico, which lies on both sides James River, hath 400 Militia, including Officers, and are indifferently armed. New Kent on the South side of York River no return of any Militia but of the Virginia Troop, in which only 129 Horse, and 12 Officers; but suppose there may be 346, Officers included. King and Queen, on the North side of York River (in which at present is Pamunkey Neck), hath 921 Militia, including Officers, the most of any County and indifferently armed. Essex, on the South Side of Rappohanock River, hath 449 Militia, including Officers, but indifferently armed. Richmond, on the North side Rappohanock River, hath 599 Militia, including Officers, but indifferently armed. Stafford County, on the upper part of Potomock, no return for Militia, but last year there were 245, and I suppose they be about 400, I am afraid but indifferently armed, and about 60 Miles of the upper parts of it lies away from Virginia; tho' it has no inhabited frontiers; and that is the County where commonly mischief is done by the Indians. So that your Lordships may be pleased to see that our Frontiers by land are but in a very bad condition if, please God, we should be attacked by 7 or 800 French and Indians: For 'tis to be feared that they may ruine and destroy the upper parts, before we shall be able to march a competent Force to attack them. But notwithstanding we are in so ill a condition both by our sea and land Frontiers etc., yet I hope God almighty will be pleased to enable me to discharge my duty in venturing my life to protect and defend this his

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Majesty's Colony of Virginia. *Signed*, Fr. Nicholson. *Endorsed*, Recd. Jan. 31, Read March 26, 1702. 7 pp. *Enclosed*,

1040. i. Abstract of preceding. $3\frac{1}{4}$ pp.

1040. ii. (a) Loyal Address of Governor, Council and Assembly of Virginia, to the King. Dec. 27, 1700.

(b) Address of the Council and Assembly to the King. Dec. 27, 1700. Setting forth the very low and needy circumstances of the Colony, being engaged in many public debts and charges, and praying for a grant from the Quit-Rents towards carrying on the building of the Capitol, the revisal of the Laws and building a Governor's House etc. *Signed*, Peter Beverley, Speaker. *Endorsed*, Recd. Jan. 31, 170 $\frac{1}{2}$. *Copy*. 3 pp.

1040. iii. List of Enclosures. *Same endorsement*. 2 pp.

1040. iv. Abstract of Militia in the Counties of Virginia, *Totals*, Horse, 2,123, Foot, 6,016. (*No date*.) *Signed*, Dionisius Wright. *Same endorsement*. 1 p.

1040. v. Abstract of the Lists of Militia of 13 Counties of Virginia, 1699. *Totals*, Horse, 1,014, Foot, 3,236, Officers, 375=4,625. *Same endorsement*. 1 p.

1040. vi. Abstract of the Militia of seven counties for 1700. *Totals*, Horse, 664, Foot, 1,855, Officers, 210=2,729. *Same endorsement*. 1 p.

1040. vii. Abstract of Militia of 22 counties of Virginia, 1701. *Totals*, Horse, 2,117, Foot, 6,435, Officers, 363=8,915. *Same endorsement*. 1 p.

1040. viii. List of every fifth man drawn out of the Troops and Companies of Virginia. *Totals*, Horse, 435, Foot, 1,115. *Signed*, Dionisius Wright. *Same endorsement*. $\frac{3}{4}$ p.

1040. ix. Abstract of the arms and ammunition in Virginia for public use, and of what is to be exposed for sale. *Same endorsement*. 2 pp.

1040. x. Abstract of the tithables and untithables in the Counties of Virginia. *Totals*, Tithables, 20,634. Untithables, 34,700. *No date*. *Signed*, Dionisius Wright. *Same endorsement*. 1 p.

1040. xi. Abstract of the Tithables and Untithables in the Counties of Virginia, 1698, 1699.

| | | 1698. | | 1699. | |
|----------------|--------|------------------|--------------------|------------------|--------------------|
| | | <i>Taxables.</i> | <i>Untaxables.</i> | <i>Taxables.</i> | <i>Untaxables.</i> |
| Henrico | County | 699 | | 724 | 1,498 |
| Charles City | " | 1,052 | | 1,260 | 2,639 |
| Surry | " | 662 | | 664 | 1,350 |
| Isle of Wight | " | 732 | | 781 | 1,985 |
| Nansemond | " | 775 | | 781 | 1,790 |
| Norfolk | " | 674 | | 684 | 1,572 |
| Princess Ann | " | 646 | | 620 | 1,351 |
| Elizabeth City | " | 427 | | 453 | 735 |
| Warwick | " | 463 | | 474 | 888 |
| York | " | 1,093 | | 738 | 1,171 |
| James City | " | 1,084 | | 1,059 | 1,701 |
| Kent | " | 1,056 | | 1,116 | 2,056 |
| King & Queens | " | 1,483 | | 1,664 | 2,642 |
| Gloucester | " | 2,326 | | 2,514 | 3,216 |
| Middlesex | " | 764 | | 658 | 883 |

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| | | 1698. | | 1699. | |
|----------------|--------------|------------------|--------------------|------------------|--------------------|
| | | <i>Taxables.</i> | <i>Untaxables.</i> | <i>Taxables.</i> | <i>Untaxables.</i> |
| Essex | County | 871 | | 1,018 | 1,584 |
| Richmond | " | 1,036 | | 1,262 | 1,278 |
| Northumberland | " | 997 | | 1,088 | 931 |
| Lancaster | " | 636 | | 869 | 1,224 |
| Westmorland | " | 887 | | 936 | 1,605 |
| Stafford | " | 679 | | 708 | 1,152 |
| Northampton | " | 615 | | 681 | 1,369 |
| Accomack | " | 866 | | 854 | 1,814 |
| Total | | 20,523 | | 21,606 | 36,434 |

Same endorsement. 1 p. [C.O. 5, 1,312. Nos. 19, 19.i-xi.; and (with enclosure xi. only) 5, 1,360. pp. 113-128.]

Dec. 2.
Virginia.

1041. Governor Nicholson to the Council of Trade and Plantations. I doe most humbly beg your Lordships' pardon for not having written to your Lordships and sent the severall Journalls, publick papers etc. and the laws passed the 5th October, 1700, last Winter, nor in the Spring, but my severall Illnesses etc. (though now thank God I am perfectly recovered) were the causes. But I desired Mr. Commissary Blayr to write to your Lordships' Secretary, Mr. William Popple. And your Lordships may please to see No. 1. the reason why I did not send them with my letter of June 24 last. If in these affairs I have done anything to yr. Lordships' dissatisfaction, I am heartily sorry for it; but hope in God that yr. Lordships will be pleased not to attribute it to any willfull omission or neglect, or any the least sinister design of mine. I have an Account (thank God) that every ship and vessell yt. were in the fleet, which I dispatched to you last, were all safe arrived in England: for we were in these parts extreemly fearfull and apprehensive of some of them; for the great loss this Country sustained the last War, was in the beginning thereof. I have had the honour to receive yr. Lordships' letter of June the 22d concerning the irregularities and misdemeanors that have been long practiced in his Majesty's Plantations and Proprietor and Charter Governments etc., all which is most certainly true, as are likewise your Lordships' observations relating to the Proprietor Governments in America. And I am heartily sorry and concerned the Parliament hath so much business that a Bill concerning them was not pass'd, but I hope in God it will this Sessions. The Honble. Coll. Robert Quarry about two months ago touched here in his way home from South Carolina, and he told me of several very irregular proceedings about illegall trade in those parts, as likewise concerning H.M.'s Court of Vice-Admiralty. I then discoursed him about going for England, in order to give your Lordships a true and perfect account thereof: and upon acquainting him with your Lordships letter of June 22d he is now designed (God willing) to undertake that voyage in H.M.S. *Shoreham*, and I hope will arrive time enough to be employed by your Lordships in those affairs; and pray God send your Lordships good success therein: For surely H.M.'s interest and service will never be

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rightly managed in these parts of the world till all the Charter and Proprietary Governments be as the rest of the Provinces etc. are. As to what concerns Carolina and the Bahama Islands I herewith humbly transmit to your Lordships several things concerning them. And Coll. Quarry hath a Letter for your Lordships from Mr. Joseph Morton of South Carolina, and another from Mr. Ellis Lightwood of Providence, as also one from the Vestry of the Church of England in Philadelphia. If by any unforeseen accident that may happen the Act should not pass this Sessions and that the Charter Governments and Proprietary Governors should continue as they are, with deference to your Lordships' better judgment, I humbly propose that the late revolution in the Bahama Islands may be countenanced, and then the like thing may happen to most of the other Proprietary and Charter Governments. And if the Act should be quashed for want of sufficient proof etc. against their irregularitys and misdemeanours which your Lordships have given an account of, then if H.M. would be graciously pleased to send a Commission under the great Seal or otherways in order to have people examined upon oath, to several interrogatorys etc. it is not in the least to be doubted, but that all those things which your Lordships most justly lay to their charge, may be proved upon oath by hundreds of people. For when such a Commission should come, and they be made sensible they were not like to be damnified by speaking the truth and that it was H.M.'s Royall Will and Pleasure to have the truth of all affairs laid before himself, this might be easily effected. For at present 'tis very difficult to get the truth of several things sworn to, by reason of the People's apprehensions and jealous notions of things which are infused into them by the foresaid Charter and Proprietor Governments, and the fears they lye under of, it may be, being ruined if they at any time appear against them. I have fully discoursed Coll. Quarry about these affairs, and if yr. Lordships please, he can give you an account thereof. He shewed me a Memorial about irregular Trade etc., and with yr. Lordships' leave, he will present it to you. He is so well known and approved of by yr. Lordships, that it would be high presumption in me to give you a character of him: but if you will venture to take my word on his behalf, I dare engage for his fidelity and zeale for his Majesty's interest and service in general, but more particularly that which is so extraordinarily well managed in all respects by yr. Lordships. I dare likewise ingage for his honesty, and yt. he will be wholly govern'd as yr. Lordships please to direct him. I have particularly discoursed him about Dr. Cox his affair. And if the Doctor should obtain according to my Lord Matravers his Grant, We are apprehensive that it will take away a good part of Virginia, which lies on the South side of James River. But with submission I think it is rather a sort of Indenture: and I believe my Lord Matravers never complied with any one condition, at least no such thing appears upon our Records: this is matter of Law, and so beyond my capacity to determine. But if the dispute lies between the Lords Proprietors and Dr. Cox, and

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that he be willing (according to his Letter to me) to put it under H.M.'s Government of Virginia (it may be of interest and service in point of the Tobacco Trade) and be content that the Plantations of those who have taken Patents here, since King Charles the 2d his Grant to the Lords Proprietors, may be the boundarys betwixt Virginia and New Carolina; then it had better be the Doctor's, than the Proprietors' (if they will not doe the same things): For some people are apprehensive that if the Line should be run according to the Lords Proprietors' Charter, it would take in several Plantations, which now pay quit-rents to H.M., and are in all other respects under his Government. I heartily wish that this affair of the bounds was well settled, in the meantime will not be wanting in my duty to H.M., according to yr. Lordships' commands in that affair. I enclose Mr. Auditor Byrd's report pursuant to an order of myself in Council of July ye 10th, 1700, concerning the boundarys of North Carolina: And by his Accounts herewith sent yr. Lordships may please to see the state of H.M.'s Revenue; but the last half year of the 2s. per hogshead I have not yet gotten, tho' I have spoken and written to him 2 or 3 times for it. I thank God it holds out very well, and hope it will so continue to do, as likewise H.M.'s revenue of the Quit-rents. In order to settle the affair of North Carolina, I humbly propose that H.M. would purchase the proprietorship thereof, if it cannot be had otherways; and if 2,000*l.* sterling were given for it (but I hope it may be purchased much cheaper) I suppose in some years time H.M. would be no looser by it, considering the advantage of the Quit-rents, and of the encouragement that people might have in going upon Tobaccos there etc. And this 2,000*l.* might be spared out of the Quit-rent money now in Mr. Auditor's hand; for I am in hopes that they will this year sell indifferently well. The affair of the Western Indians I have fully discoursed Coll. Quarry about it, who understands it very well; and with submission I think the best way would be to have it settled by a Company etc. I am afraid that our Revisors will not doe much in that affair, for the private gain of that Trade may chance to influence some of them who are concerned therein. Upon inquiry I find that about 50 or 60 men are employed in this Country in the Indian Trade, and I suppose that if it was settled by a Company there would be no occasion of sending from hence above twice or thrice that number. And the prejudice H.M.'s revenues upon the Tobacco would receive both in England and here, by their not planting of it, would be sufficiently recompensed by the advantage of that Trade, and the great means it might be of securing all the English Frontiers, especially in this Country and Maryland, against the incursions of the French and Indians, by having trading houses and ports as well upon our own Frontiers as upon the lakes of great Rivers, as the French have between Canada and the Bay of Mexico; for if that Company be rightly managed at first, I hope we may be able to out-doe the French in point of Trade with the Indians by furnishing them with proper commodities, and cheaper, and then no doubt but

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yt. they would be of our side, or at least not against us ; which otherwise 'tis to be feared they may be. And by our having Traders among them, we may probably have an account by or from them of any designs yt. the French or Indians may have upon the English ; so that we may not be surprised with them, weh. we now may be. I was extraordinarily troubled and concerned that the intended meeting of his late Excellency the Earl of Bellomont, Governour Blakiston and myself, was disappointed : but I humbly propose that all those Governours who have immediate Commissions under H.M. on this Continent may meet together as soon as possible, in order to consult about this Affair of the Indian Trade, as also concerning others of H.M.'s interest and service. But if Proprietary or Charter Governours should be there, to be sure their own interest and service would be their main design : for I suppose some of the principal things which we should consult about, would be the great prejudice it is to H.M.'s Interest and Service, to have Charter and Proprietary Governments ; and humbly to represent the reasons thereof, as also how they may be remedied. As to the first: it can't be expected that those Governours will joyn with us, nor is it in the least convenient that they should know the Reasons either against them, or how they may be remedied. If the Charter and Proprietor Governours should be order'd to be at such a meeting they would make great use of it with their people, that H.M. owns ym. as Governours, tho' they have not complied with the Acts of Parliament for taking of oaths, particularly that of a Governour for duly observing all the Acts of Trade and Navigation, and that nothing can be done at least without some of them ; as was reported in Pennsylvania, upon his late Excellency ye Earl of Bellomont's, Governour Blakiston's and my being to meet there, and that H.M. had ordered us to wait on Mr. Penn. But if they are not there the people might take it that they were slighted, and that H.M. did not think them qualified by Law as they ought to be, or that they were not to be made use of by H.M., or protected by him, as the other Governours were, who have the honour to have H.M.'s immediate Commission. It might discourage their own people, and be a means to make them uneasy under their Government, and fly to H.M. for protection : as on the other hand it might be an incouragement to those under the Governments of H.M. If yr. Lordships please, Collonel Quarry can give you an account of these affairs, being so desired by him who is etc. *Signed, Fr. Nicholson. Endorsed, Recd. Jan. 31, Read March 27, 1702.*

4 $\frac{3}{4}$ pp. *Enclosed,*

1041. i. Abstract of preceding. 2 $\frac{1}{4}$ pp.

1041. ii. List of Enclosures. *Endorsed, Recd. Jan. 31, 170 $\frac{1}{2}$.* 2 $\frac{3}{4}$ pp.

1041. iii. Copy of Minutes of Council of Virginia, June 20 and July 31, 1701. *Same endorsement.* 1 p.

1041. iv. Copy of Minutes of Council of Virginia, June 11, 1701. *Same endorsement,* 1 p.

1041. v. Memorandum of Journal of Proceedings of Council and Assembly concerning the fortifications and defence

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- of the country and assisting New York, Aug. 6-Oct. 2, 1701. $\frac{1}{2}$ p.
1041. vi. Memorandum of Journal of Council and Assembly of Virginia, 1693 and 1695, about giving assistance for New York. $\frac{1}{4}$ p.
1041. vii. Memorandum of proceedings of the House of Burgesses, 1693, on the same point. $\frac{1}{4}$ p.
1041. viii. Memorandum of proceedings of the House of Burgesses, 1693 (*sic.* ? 5) on the same point. $\frac{1}{4}$ p.
1041. ix. Memorandum of Addresses to H.M., from the General Assembly of Virginia, relating to the quota for New York, and an Agent. $\frac{1}{4}$ p.
1041. x. Copy of Amendments to the Bill concerning the Militia, not assented to by the Burgesses. $5\frac{1}{2}$ pp.
1041. xi. Copy of the Bill concerning the Militia. *Endorsed*, Recd. Jan. 31, 170 $\frac{1}{2}$. $8\frac{1}{2}$ pp.
1041. xii. Copy of Ordinances of Virginia relating to the building of the Capitol and settling the bounds of the several Counties in Virginia, Aug. 6, 1701. *Same endorsement*. $2\frac{3}{4}$ pp.
1041. xiii. Memorandum of Journal of Council in Assembly of Virginia, Dec. 5-27, 1700. $\frac{1}{4}$ p.
1041. xiv. Memorandum of Journal of House of Burgesses of Virginia, Dec. 5-27, 1700. $\frac{1}{4}$ p.
1041. xv. Copy of the Acts passed at an Assembly of Virginia, Dec. 5, 1700. $3\frac{1}{2}$ pp.
1041. xvi. The Public Levy of Virginia, Dec. 5, 1700. *Total*, 24,291 tithables at 9*lb.* tobacco per pole. *Same endorsement*. 1 p.
1041. xvii. Copies of Proclamations of Virginia, 1700 and 1701. *Same endorsement*. 10 pp.
1041. xviii. Memorandum of Minutes of Council of Virginia, June 20-Nov. 11, 1701. $\frac{1}{4}$ p.
1041. xix. Memorandum of Minutes of Council of Virginia, June 9-11, 1701. $\frac{1}{4}$ p.
1041. xx. Memorandum of Minutes of Council of Virginia, Oct. 17, 1700-May 8, 1701. $\frac{1}{4}$ p.
1041. xxi. Memorandum of Minutes of Council of Virginia, Sept. 4, 5, 7, 1700. $\frac{1}{4}$ p.
1041. xxii. Memorandum of Minutes of Council of Virginia, Aug. 8, 1700. $\frac{1}{4}$ p.
1041. xxiii. Abstract of the Militia of Virginia, with an account of their arms, Oct. 1701. *Totals*, Officers, 1,318. Horse, 2,143. Dragoons, 1,985. Foot, 4,971. Swords, 4,231. Pistols, 1,496. Carabines, 861. Muskets, 4,655. *Endorsed* Recd. Jan. 31, 170 $\frac{1}{2}$. 2 *large* pp. [C.O. 5, 1312. Nos. 20, 20.i-xxiii.; and (*without enclosures*) 5, 1360. pp. 132-145.]

Dec. 2.
Virginia.

1042. Governor Nicholson to the Council of Trade and Plantations. I hope in God that the two Letters which I have written to yr. Lordships of this date will not be disapproved

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of by yr. Lordships, neither this. Yr. Lordships' commands to me of August the first 1700, relating to the Methods of proceedings in the several Courts upon Tryals of all sorts of Causes in the said Courts etc., I have endeavoured to comply with, and enclose the manner of proceedings in the Courts of Judicature here. By this opportunity I intend to send the Lords of the Treasury copies of all the Accounts, and the lists of Patents signed etc. which I transmit to yr. Lordships. The Lists of Ships, the Tryals of a Sloop and two Ships; Proceedings of the General Court upon Navigation Bonds etc.; Copies of Collectors' and Naval Officers' Bonds etc. to the honourable the Commissioners of H.M.'s Customs. I am heartily sorry that those Lists which I now send to yr. Lordships are not in all respects agreeable to yr. Lordships' Directions; tho' I have done what in me lies to have your orders complied with. But this I beg, that yr. Lordships would be pleased to order your Stationer to prepare what sort of paper yr. Lordships would have the Lists of the Ships, and the Collectors and Naval Officers their Accounts, as likewise the Muster Rolls of the Militia to be written upon: And I have written to my Correspondent, Mr. Micajah Perry, to pay for it: for without they have such paper, the Lists, Accounts and Muster Rolls will be very various and imperfect, it being exceeding difficult to get any good paper in this Country. I send to the Lords of the Admiralty a separate Journal of all matters relating to the Ships. I also transmit to the Right Hon. Mr. Secretary Vernon all that which I doe to yr. Lordships with Letter B. except Copies of the Laws, Ordinances of Assembly, and Lists of the Militia. I am very much troubled that I can't sent yr. Lordships an account that the Assembly hath consented to build an house for H.M.'s Governour: but this last Sessions they were all upon Negatives. If they meet again in the latter end of February (the soonest time they can conveniently do it) I will try them not only upon that subject, but for complying with H.M.'s Commands concerning the 900*l*. for New York, and for buying publick Arms and Ammunition. I am also very much concerned that I can't give yr. Lordships an account that the Committee for Revisal of the Laws have compleated that work; but what they have done therein, yr. Lordships may please to see by their several Journals etc. One of the principal reasons that they have been so long about it, is because they wanted an Assistant; and I enclose copies of their proceedings about one. I beg leave to observe to yr. Lordships that the Business of this Country, especially in point of Government, increaseth; but fit and proper persons for executing the several Offices and Employments therein, decrease. And I dare venture, without the Spirit of prophecy, to say that in twenty or thirty years time, if the Natives can't be qualified, there will be few or none in the Country capable of tolerably executing the several Offices and Employments: for there is little or no encouragement for men of any tolerable parts to come hither. Formerly there was good convenient land to be taken up, and there were widows had pretty good

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fortunes, which were encouragements for men of parts to come. But now all or most of those good lands are taken up, and if there be any widows or maids of any fortune, the Natives for the most parts get them; for they begin to have a sort of aversion to others, calling them strangers. In the Civil War several Gentlemen of Quality fled hither, and others of good parts, but they are all dead; And I hope in God, there will never be such a cause to make any come in again. That yr. Lordships may see how the Assembly were qualified to draw the Address to H.M. about New York etc. I herewith send yr. Lordships their first proceedings thereon. I think 'twas something strange that the Committee were forced to get Mr. Benjamin Harrison to be their Clerk; but how much of that Address is in that which they have sent to be presented to H.M., your Lordships may please to see by their Amendments. No. 2 is what was done in Council about Mr. Bartholomew Fowler, H.M.'s late Attorney General. And No. 3 is what was done about Mr. Dionysius Wright, Clerk of H.M.'s Honourable Council; by which yr. Lordships will see what great want of Officers we are in. And No. 4 is an humble Representation to yr. Lordships by myself and H.M.'s honourable Council concerning an Attorney General and a Clerk of the Council; and if yr. Lordships are not pleased to approve of Mr. Dionysius Wright to be either H.M.'s Attorney General or Clerk of H.M.'s honourable Council, I humbly propose that yr. Lordships would be pleased to send two persons out of England for those employments, to live at H.M.'s City of Williamsburgh, the Seat of the Government. And I hope they will be such, or at least one of them, as that yr. Lordships can confide in the accounts concerning the Government, which they may be obliged to send to yr. Lordships, when myself, or any other H.M.'s Governour or Commander in Chief here, may be obliged for H.M.'s service to be about the Country. If they are such persons, I will endeavour (God willing) so long as I have the honour to serve H.M. in this station, to make their places as easy and beneficial as I can. For they may be assured of all just favour and encouragement from me. They would do well to bring a sober man and a good writer to be in the nature of a Clerk, for they are hardly now to be gotten in this Country. I am now most humbly to represent to yr. Lordships the great difficulty I find in getting Councils, as yr. Lordships may see by the several Journals of Council and Assembly; nay even in the General Court time. So I humbly propose that Coll. Philip Ludwell, who lives within a mile of Williamsburgh, and Coll. William Bassett, who lives about 25 miles from thence, and Lieut.-Coll. Henry Duke, who lives about 12 miles off (but hath as good a road to Williamsburgh as can be) may be added to H.M.'s honourable Council. The honourable Coll. Jennings lives but 7 miles off, and Coll. Lightfoot about 40 miles (but very good road, and he hath never a creek to pass) and Mr. Commissary Blair lives near the City. So that humanely speaking these Six Gentlemen may come at any time, and upon a day's Notice.

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What yr. Lordships are pleased to order in your Letter of October 3, 1700, about Mediterranean passes, is done; And by this opportunity I write to the Lords of the Admiralty for more. That yr. Lordships may see the whole proceedings about the French Protestant Refugees etc. a Collection thereof is enclosed which I hope will not be disapproved of by yr. Lordships. *Signed*, Fr. Nicholson. *Endorsed*, Recd. Jan. 31, Read May 5, 1702. $3\frac{1}{2}$ pp. *Enclosed*,

1042. i. Abstract of preceding. $1\frac{1}{2}$ pp.

1042. ii. Extracts from Journal of House of Burgesses of Virginia, Sept. 3, 4, 8, 1701. *Endorsed*, Recd. Jan. 31, 1701. $\frac{3}{4}$ p.

1042. iii. Minutes of Council of Virginia, Sept. 4, 5, Oct. 17, 1700, April 15, 1701. *Same endorsement*. 2 pp.

1042. iv. Minutes of Council of Virginia, Oct. 24, Nov. 11, 1701. *Same endorsement*. $1\frac{3}{4}$ pp.

1042. v. The Governor and Council of Virginia to the Council of Trade and Plantations, June 11, 1701. Since the death of the late Attorney General we have not been able to fill the place with a capable person. And conceiving H.M. service requires a man of good ability and knowing in the Law to supply that office, we hold it our duty to lay before your Lordships the motives that occasions the present defect, for that formerly the place of Attorney General was of little trouble and rarely more business than drawing indictments and prosecution of criminals, and not any salary allowed by H.M. till after 1680, and then the penalty of the Laws being made to the King, and prosecutions thereon increased the business, and required the more frequent attendance of the Attorney General at the Courts, for which the present small salaries of 40*l.* per annum was established, and now the business being very much increased, it doth not compensate the trouble of a suitable person. It is therefore proposed that the salary be increased to 100*l.* and for similar reasons, that the salary of the Clerk of the Council should be increased to a similar sum. *Signed*, Fr. Nicholson, E. Jennings, William Byrd, J. Lightfoot, Ch. Scarburgh, Matthew Page, Benja. Harrison, Jno. Custis, James Blair. *Same endorsement*. $3\frac{1}{4}$ pp.

1042. vi. List of following enclosures. *Same endorsement*. $2\frac{1}{4}$ pp.

1042. vii. Duplicate of preceding.

1042. viii. Ellis Lightwood to Governor Nicholson. New Providence, Oct. 14, 1701. *Announces* the deposing and sending for England of Gov. Haskett, the absolute necessity of which the enclosed articles will more fully demonstrate. Until H.M. pleasure be further known, I shall take care that all H.M. Officers here shall be protected in the due execution of their offices. *Signed*, Ellis Lightwood. *Subjoined*,

1042. viii. (a) Address "of the whole Country in General" to Ellis Lightwood. New Providence, Oct. 6, 1701. We

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having suppressed and taken into custody Gov. Haskett, owing to his arbitrary and illegal government, until H.M. and the Lords Proprietors' pleasure be further known, request you, with the advice and consent of the Council, to take upon you the Government etc. *Signed*, "by the whole Country in General."

1042. viii. (b) Tho. Walker to Governor Nicholson. New Providence, Oct. 11, 1701. I arrived here Sept. 2 and Lieut-Governor Haskett immediately invited me to accept the Lt.-Col.'s post, he having just fallen out with Mr. Read Elding and turned him out of that post. I was only ambitious to execute the Judge's place, which I had before, but I accepted after much persuasion. *Narrates seizure of Governor Haskett*. When I heard of the hubbub and noise at the Governor's house that night, I run to him and was taken prisoner, and kept two nights and days in the Fort, and the country having nothing to allege against me, I was set at liberty. Since which I have executed my Judge's Commission by trying one vessel without a jury. *Signed*, Tho. Walker.
1042. viii. (c) Memorandum [*by Thomas Walker*] to lay before the Governor of Virginia concerning the Revolution in Providence. When the Governor [*Haskett*] was deposed, Col. Read Elding was a prisoner by a mittimus for piracy and dealing with pirates, and several other high crimes and misdemeanours, but to free himself he came first to the Governor, pretending to visit him. Immediately the people with arms followed him into the Governor's house, and seized the Governor. Then Elding headed them and carried the Governor into the Fort, prisoner, when two great guns were fired, whereupon the people, as in the nature of an alarm, came from their own homes with their arms to the Fort, where being in a body, the said Elding at the head of them, first motioned for the people to vote Thomas Walker, Judge of the Admiralty, to be put in irons. All the people with one consent said, no irons. Then Elding motioned for irons to be put upon the Governor. The people answered, Irons upon the Governor, wch. according were put upon his legs, were strong and heavy ones. The next day all the people met and voted Mr. Ellis Lightwood to be their Head and President of the Island. About 10 days before the Revolution, Col. Elding was in the Fort in irons to be sent home to England to answer, but petitioned the Governor to be tried in Providence, and till the trial to be eased of his irons. The Governor took pity and let him to bail, upon his taking oath to be of good behaviour, and not plot against the Governor etc. After the Governor was three days in the Fort, he was ordered from thence a prisoner in irons to Mr. Lightwood's Plantation. When he was removing, Mr. Graves, the King's Collector, drew his sword and was going to

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kill him, saying "I make no more to kill him then I would a dogg," but the people prevented him and rebuked him for it. The Chief Judge, Col. Tallaferro, is taken a prisoner and kept in the Fort, and he knows not for what, he declaring himself innocent of any crime deserving imprisonment. After the Governor's ship came in, the people went aboard with force and arms to take her, without any authority from the Judge of the Admiralty. *Subjoined,*

1042. viii. (d) Deposition of William Davie, master of the Sloop *James City*, Nov. 11, 1701. On Oct. 17, Col. Walker at Nassau Town gave me half a bitt's worth of apples, which I put in my pocket. Upon my voyage to Virginia, going to eat one of the apples, cutting it with a knife, discovered some pinns in it, and afterwards this paper, upon which, looking how it was put into the apple, found that the top of the apple had been cut off, the inside of the apple dug out, this paper put in, and the top of the apple pinned on again. *Signed,* Wm. Davie.

1042. viii. (e) Deposition of Wm. Davie, Master of the *James City*. Sailing from Virginia to New Providence, he was fired on and plundered by a pirate sloop. On Sept. 17, deponent arriving at Providence, waited upon Governor Haskett, who told him that if he would load with salt, he must do it at town, and not expect to go to the Ponds, for it was his particular orders that none should go thither. Deponent accordingly bought salt of the Governor. The reason of the Governor's being seized by the people, in October was, as Deponent heard, to save themselves, and that he was an oppressor of the poor. *Signed,* Wm. Davie. *The whole endorsed,* Recd. Jan. 31, 1701. 7 pp.

1042. ix. Copy of a Publication by the Chief Judge of the Admiralty for the Bahama Islands. New Providence. Gives notice that any persons discovering wrecks etc., are immediately to give an account of the matter to the Admiralty Officers, in order that H.M. tenths may be paid, in case the same be proved wreck of the sea in the Admiralty Court.

1042. ix. (a) Tho. Walker [? to Governor Nicholson]. North Carolina, April 24, 1701. A state of the Bahama Islands since the receipt of the Admiralty Commission to Major Perient Trott and T. Walker.

The Vice-Admiral's Commission directs him to take for the King the tenths of wrecks, jetsam, flotsam, etc., and cause all pirates to be seized. But Col. Read Elding, deputed Dep. Governor by Col. Webb, decd., and rules Providence without H.M. approbation nor any confirmation, nor the least notice taken of him by the Lords Proprietors, upon the publishing of the Admiralty Commissions, and in contempt thereof, did call his Council

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and make Minutes to the effect that the dues or royalties of wrecks etc. shall be continued to the Lords Proprietors, and be paid to him as Deputy Governor, and further sides with, protects, and puts in office one of Capt. Every's piratical company, who affronts, abuses, threatens and even challenges the Admiralty officers, and when I came from Providence, the feud was so high that Major Trott, the Vice-Admiral, was forced to have at his house men to guard and protect his life, in defence of the said Deputy Governor, who without any cause given had threatened to kill the said Trott. All this was done since the publication of the Admiralty Commissions, and some time before the arrival of my Commission the Deputy Governor in a most unjust, designed, and prejudicial manner, did commissionate a Judge of a Court of Admiralty, who sat as Judge upon 4 small sloops, built in the Bahamas, whose Navigation was always confined to that Government to cut wood and rake salt, and notwithstanding the Deputy Governor knew them to be built in Providence, and that they were qualified with his licences and permits, according to the practice and constitutions of the Government, yet the said Deputy Governor managed matters so with his Judge and Officers to condemn the said sloops, and brasiletta wood in them, because the owners did not register them, without any orders of Government or giving any notice that he required the inhabitants to register their wood boats employed only in the Government. The sloops were value about 400*l.*, wch. the Deputy Governor together with his officers sold and shared amongst them, wch. is great loss to the owners and against the peace and happy being of the settlement. It is credibly informed that the Deputy Governor has privately supplied known pirates about those Islands with liquors and refreshment, and underhand hath taken their ill gotten money for the same, and enriched himself thereby.

Some time since 'twas informed that the Spaniards were coming to take Providence and demolish the Fort and settlement; so that what with the violent and ill actions of the Deputy Governor against the people and the Admiralty Officers, together with the dread of the Spaniards, the post lies under great discouragement and danger, and the Admiralty Officers, being void of protection from the nearest King's Governments, can neither secure the King's Royaltys, nor safely and peaceably execute their commissions. And if the Admiralty Officers were as hot and furious as the Deputy Governor and his officers are, there would unavoidably be bloodshed, confusion and destruction in the place. And forasmuch as England is a great distance from our parts, and that no speedy opportunity offers from

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Providence to England that redress may be had in such cases in less time than 14 or 18 months (and in such space of time things may rise to a great height of confusion), I therefore thought it my duty to lay these matters before your Excellency. At this juncture of time, one of the inhabitants has got intelligence of a very rich wreck of no less than 12 tons of plate in her, and has built a new sloop, and is gone upon the recovery of the same, in order to bring what he gets to Providence and pay unto the Deputy Governor the 10th and 16th thereof, taking no notice of the Admiralty Officers nor Commissions, and if at any time I should adjudge such matters to be wreck and condemn a tenth part to H.M., being void of protection whereby to take and secure the same for H.M. uses, all whatever we do by our Commissions is of little effect. *Signed*, Tho. Walker. *P.S.*—The new Governor Haskett not being yet arrived, 'tis concluded he's miscarried. If so, the inhabitants will be still miserable under the Deputy Governor's ill usage, and most of them will leave the place.

1042. ix. (b) Governor Nicholson to Tho. Walker. Williamsburgh, May 10, 1701. I am very sorry to find that you have met with such hardships at Providence. I think it will be for H.M. service, if you could possibly come hither about 12 days hence, yt. I might fully discourse you concerning what you have writ, etc. *Signed*, Fr. Nicholson.

1042. ix. (c) A brief Memorial of what service New Providence and the Bahama Islands may be to H.M., if annexed to the Crown. If the dues of wrecks be applied to fortifying the Port, it may in few years be capable of defending itself against both Spaniards and French, who both lie not above 50 leagues thence. It's greatly to be dreaded the place will be taken in the present posture of defence. The port of Providence may be used for H.M. ships not over 17 foot draught, whence they may run to the edge of the Gulf, to attack the Spanish Plate Fleet etc. By good encouragement plantations of sugar, indico, cotton, provisions may be brought to perfection, and much brazilletta wood is cut, by which a duty arises yearly to H.E. A good station for a small man of war to suppress pirates, protect the Admiralty officers and deter the Spaniards from coming in small canoes or galleys from Cuba to surprise Providence, as was heretofore done. The Proprietors cannot defend the place without charges beyond their dues and quit rents. Harbour Island, on the N. side of Eleatheria, affords a spacious harbour, and may be made almost impregnable with half the charge as Providence can be, and is inhabited by the English who claim the liberty of living there by reason their forefathers seated it before the present Lords Proprietors had their Charter

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from Charles II, and sundry families live now thereon with good store of oranges, limes and pleasant fruits at their doors. And the Bahamas are a healthful place for Europeans that comes there, as well as the inhabitants. It would be very disadvantageous to English trade, if in the hands of an enemy. *Signed*, Tho. Walker. *Annexed*, Sketch map of Harbour Island and Eleutheria. *The whole endorsed*, Reed, Jan. 31, 1701 $\frac{1}{2}$. 9 pp. *Copies*.

1042. x. Mathew Middleton to [? Governor Nicholson]. New Providence, March 16; $\frac{1699}{1700}$. Applies for post of Judge of the Admiralty in Providence. *Signed*, Matthew Middleton.
1042. x. (a) Ellis Lightwood to [? Governor Nicholson]. Providence, March 27, 1699. When I received an account of your Excellency's authority over us in relation to the Admiralty jurisdiction (wherein heretofore in many things through injudicious proceedings our Island hath gained an ill character amongst the rest of the neighbouring Colonies), I doubted not but all things in those cases would be better regulated by your Excellency's discretion in appointing capable, honest and judicious persons. I herewithal acquaint your Excellency of the great inclination the principal people of this Government have to be under the immediate protection of the King, the Lords Proprietors hitherto having not, and no way possibly can afford us that protection that is requisite, by some small cruising frigates, wch. highly concerns the safety of Trade to and from most of our Plantations, who beaten off the coast find per experience of three years the most convenient and healthful place to bear up for recruits, etc. *Insists on importance of the place*. *Signed*, Ellis Lightwood.
1042. x. (b) Ellis Lightwood to [? Governor Nicholson]. Providence, July 19, 1700. The above letter is a copy of what I presumed to send by Col. Jones, who delivered it to Mr. Thomas Walker, one of our Lords Proprietors' Deputies and a great stickler for them, wch. hath been made use of by him, with two or three more of the Deputies, whose characters are not worth describing, to make it a crime in me, and as their nonsense call it, a rebellion against the Lords Proprietors, to write so to your Excellency. It was the Commissioners' pleasure never by me thought of, to send by Esq. Randolph a Commission directed to me for Judge of the Admiralty, who was persuaded by Walker, as I have been since satisfied, not to deliver it. My crime here is only being a true King's man and endeavouring to break the Lords' charter, as their Deputys say, wch. themselves have often enough done already. The first fault is pardonable. I love not democracy. *Signed*, Ellis Lightwood.

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1042. x. (c) Tho. Walker to [? Governor Nicholson]. New Providence, July 20, 1700. Applies for Commission to be Judge of the Admiralty. *Signed*, Tho. Walker.
1042. x. (d) Address of the inhabitants of the Bahama and Lucaios Islands under Lords Proprietors assembled in the City of Nassau on New Providence, 1700, to the King and Parliament. The subjects complain for themselves that for many reasons they are as sensible of their present oppressures as an Egyptian bondage, together with cause of a future oppression, wch. if not prevented, may fall on us, with an inexpressible damage of every trading man in England concerned in the Plantations. After the Lords Proprietors resumed their Proprietary in 1690, the Assembly passed Laws as to their dues, conditional upon the Lords sending them a secure instrument that they should not alienate any part of a Proprietary except a whole one. (They never confirmed the Law for their dues nor answered our letter.) Last year they sold an Island, which by our Assembly was often confirmed as a common to the City of Nassau, and conveyance signed by those that had power from the Proprietors to grant all their other lands; besides it makes the Harbour. Further, they have sold parcels on other islands, where are harbours, to our infinite damage, 10,000*l.* sterl. in a short time.

Col. Cadwallader Jones found much difficulty in settling, finding but 27 men in arms on Providence. In 22 months, he by sea and land made an honourable defence against the French, and took some prisoners. But their Lordships' encouragement to him by letter, that they could not assist him, but when it was peace they would take care of us, was an oppression to our spirits. In 3 years and 8 months, they sent Col. Nicholas Trott, and he by their order imposed on us to purpose, and without Law made us pay, as hath been said, but adds by Instructions the 10*th* of salt. He also brought Instructions to finish with their dues that small work Col. Jones had begun. He likewise imposed on us 40*s.* per head or 14 days' work per head on the Fort. They next sent Col. Nicholas Webb; he proved strangely uneasy, but added to the Fort for the better. But the unhappiness to us we believe their Lordships hardly dealt withall in their accounts, and we little better in the expectation of our security, it being now no better than a great heap of undigested matter, no ways defensible in its shape or figure. Their Lordships have now sent over Commissions to those persons we deem not qualified to answer their Lordships' honour nor our peace (one who had killed a King's officer in Bermuda, his pardon not sued out; the Chief Judge in all Courts bred only a sea-captain, incapable in the

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Law). We are all English, and Monarchy we imbibed with the breast. We under Lords and they subjects it's not easy (but in good men to be easie). But their Lordships allowing their Governor no certain salary as the King doth, we have charity to believe Col. Trott and Col. Webb even streyned their own natures in oppressing us to ease themselves. All the King's Plantations look slightly on us as being under subjects, and it is evident our neighbours the Spaniards how they esteem us. *Deposition of Capt. John Flavill quoted, Dec. 27, 1699.* On July 1, 1698, in the Gulf of Florida, he was made prisoner by the General of the Bonadventure Fleet, and tried to persuade him to pilot 800 men to Providence, "for he had a Commission for it, and would do it, for they were but a den of thieves and villains; he would root them out as soon as he could get a pilot." Flavil pleaded ignorance.

If the Lords Proprietors studied only our interest to the utmost of our abilities, they could not serve us. We are well satisfied that potent Prince in France hath an eye upon us, with a view to trade by the Mississippi River. He is fully persuaded, if he is Master of Providence, a Jamaica man cannot pass him the Gulf or Windward passage, and privateers and men of war from Providence will in a few days infest Carolina bar, Virginia Capes, New York and Massachusetts Bay.

We crave not a trial of the Charter, but a purchase by the Crown, which cannot be a great matter, since the Proprietors sold Hog Island, which makes the whole harbour and $\frac{1}{6}$ of Providence, for 50*l*. There are now merchants in Nassau who will victual 10 or 12 men of war. Where H.M. commands the Gulf from 22 deg., there are islands called Biminies, where if a Light-house [were] built, it would save abundance of bloodshed, most English. The Florida shore being man-eaters, and so encouraged by the Priests, to prevent commerce with the English. Light money from all nations passing through the Gulf would answer the charge and add a lustre to the English Crown.

It is granted that if the King of France had not built that impregnable Citadel on Martinico by the Cole Sack, all the West Indies, *humanum dicere*, must have submitted to England. And indeed, except the Carribbee Islands, Providence is to be considered, etc. *The whole endorsed, Recd. Jan. 31, 170 $\frac{1}{2}$. 7 $\frac{1}{2}$ pp.*

1042. xi. Minutes of Council of Carolina. Charles Town, Sept. 11, 1700. The Lords Proprietors of Carolina met to elect a new Governor to succeed Joseph Blake. *Deputies present:* Landgrave Joseph Morton, Col. Robert Daniel, James Moore, Landgrave Edmund Bellinger, Robt. Gibbes, Henry Noble. Bellinger and Morton were rejected. Daniel and Moore objected to the

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latter that he made breach of the trust reposed in him by the Lords Proprietors by accepting a Commission for Judge of the Admiralty from the King, when at the same time he had a Commission from the Proprietors for that office, and the disposal of the same is in the Proprietors. Against Bellinger they equally objected that he had accepted a Commission as Deputy Judge of the Admiralty from Morton. All the Land-graves being thus objected to, the Deputy James Moore was elected Governor. *Signed*, Henry Wigington, Cl. Con.

1042. xi. (a) Joseph Morton to [? Governor Nicholson]. Carolina, August 21, 1701. Repeats cases of the *Cole and Bean* and Mr. Renew's ship. The humors of the people generally are opposite to the Acts of Trade etc. "During the trial of the *Cole and Bean* no artifice was wanting to support the defendant and discourage the Informer, he having no lawier and the King no Advocate, (he dying not long before), and Mr. Nicholas Trott, then Attorney General for the Proprietors, refusing to appear in behalf of the King, but as much as he could espoused the cause of the defendant, and, in the open street and among a crowd of people, fell upon the Informer, and struck him several times, crying out, this is the Informer, this is he that will ruin the country. *Repeats story of the Election of Governor Moore, etc. Signed*, Jos. Morton.
1042. xi. (b) Jos. Morton to [? Governor Nicholson]. Carolina, Aug. 30, 1701. Considering the genius of our people, 'tis difficult getting officers of the Admiralty that are good. At present John Collins is Marshall and Tho. Bellinger Regr., but there is no Advocate, nor any that I can at present recommend etc. *Signed*, Jos. Morton.
1042. xi. (c) Governor Moore to [? Governor Nicholson]. Carolina, Charles Town, Sept. 1, 1701. Acknowledges receipt of H.M. Commissions and letters *per* Col. Quarry. Here are no Commissions for Register, Marshall or Advocate of the Admiralty Court, nor, as the present Judge (Morton) allows them for those offices, is it worth any man's time to hold them, but 'tis probable when they have their Commissions from your Excellency they will (by taking their just fees) make it worth while to hold them. *Recommends* Henry Wigington, a lawier, for Register, and John Collins for Marshall. We have but two men in our Colony which understands and practices Law, one is removing, the other's name is Wigington, and at present Attorney General.

We have had of late diverse, idle, extravagant and profuse people run away from their creditors to Virginia, the easiness of the journey encourages them to run in debt more than they are able or design to pay. If your Excellency would cause some of these to be

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apprehended and kept close at work till we can send for them, or send them back to us, it would discourage others and oblige us to do the same by such as run from Virginia. An Act of Parliament to apprehend and keep to work or in gaol all runaways, as well servants as debtors, till they can with conveniency be sent back to the place they run from, would effectually discourage it. The greatness and goodness of such an Act will adequate the character of generosity which the Western World not unworthily gives your Excellency.

1042. xi. (d) Governor Moore to Governor Nicholson. Carolina, Aug. 12, 1701. Receipt for Admiralty Commissions and Commission for trial of pirates. *Signed*, Ja. Moore.
1042. xi. (e) Joseph Morton to the Lords-Commissioners of the Admiralty. Repeats the cases of the *Swallow* (Mr. Renew), the *Cole and Bean*, and the Election of the Governor. *Signed*, Jos. Morton. *The whole endorsed*, Recd. Jan. 31, 170 $\frac{1}{2}$. 9 pp.
1042. xii. Copy of Letter from Dr. Coxe to Governor Nicholson, April 8, 1701. *After compliments*;—I being legally invested in a right unto North Carolina by a double grant, I and my predecessors have been frequently solicited by the inhabitants of both Carolinas to assert our Rights, that they would readily submit unto our title and administration, I have been kept in a trade by the Lords Proprietors of Carolina, submitted the examination of my title unto their own Council, who unanimously advised them to comply with my reasonable demands, and the majority of them, as I was informed by their own Counsel, inclined to grant my demands, and have in order thereunto for above ten months demanded a Court. But the Palatine, or Elder Proprietor, for reasons best known to himself, hath declined it. Whereupon I have given them notice I will no longer attend upon uncertain, delusive promises, but seek the obtaining my right by such methods as Law and Reason shall recommend. I have had the favour of H.M. Council as also of the Commissioners of Trade and Plantations, the most full and favourable report of H.M. Attorney General etc. *Signed*, Dan. Coxe. *Annexed*,
1042. xii. (a) Copy of the confirmation of Lord Matravers' grant of Norfolk county from Charles I, by the Governor and Council of Virginia, 1637. *Signed*, (Governor) John Harvey. *Attested by*, the Lord Mayor of London, etc.
1042. xii. (b) Samuel Swann to Governor Nicholson. North Carolina, Sept. 9, 1701. *Enclosing the foregoing copy of Patent*. *Signed*, Samuel Swann. *Copy*.
1042. xii. (c) Governor Nicholson to Samuel Swann. Williamsburgh, Oct. 11, 1701. *Acknowledging foregoing*. If your

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country should be joined to this in my time, you may be assured of all kindness from yours etc. *Signed*, Fr. Nicholson. *Copy*.

1042. xii. (d) Samuel Swann to Governor Nicholson. North Carolina, Oct. 18, 1701. I desire you would remit to me Mr. Coxe's indenture, for that it is not as yet recorded nor communicated to the Government here. *Signed*, Samuel Swann. *Copy*.

The whole endorsed, Recd. Jan. 31, 170 $\frac{1}{2}$. 7 $\frac{1}{4}$ pp.

1042. xiii. Method of proceedings of the Courts of Justice in Virginia. *Same endorsement*. 12 pp.
1042. xiv. Copy of Address of the General Assembly of Virginia to the King relating to the Quota for New York. *Same endorsement*. 11 pp.
1042. xv. Address of the Council and Burgesses of Virginia to the King, praying for William Byrd, jr., to be appointed Agent, Aug., 1701. $\frac{1}{2}$ p.
1042. xvi. Copy of the amended Address of the Assembly of Virginia to the King, relating to the Quota for New York. 5 $\frac{3}{4}$ pp.
1042. xvii. Copy of Address of the Assembly of Virginia to the King relating to the Quota for New York, as sent up to the Council, Sept. 18, 1701. 2 $\frac{1}{2}$ large pp.
1042. xviii. Copy of the Council's Amendments to above. 5 pp.
1042. xix. Memorandum of Minutes of Council in Assembly of Virginia, Aug. 6–Oct. 2, 1701. $\frac{1}{4}$ p.
1042. xx. Memorandum of the Journal of the House of Burgesses of Virginia, Aug. 6–Oct. 2, 1701. $\frac{1}{4}$ p.
1042. xxi. Copies of the Acts passed at a General Assembly of Virginia, Aug. 6, 1701. *Endorsed*, Recd. Jan. 31, 170 $\frac{1}{2}$. 16 pp.
1042. xxii. Memorandum of preceding. $\frac{1}{4}$ p.
1042. xxiii. Copy of resolve of Burgesses of Virginia, Sept. 17, 1701, empowering the Governor to levy forces, etc. *Signed*, Peter Beverley, Speaker. *Endorsed*, Recd. Jan. 31, 170 $\frac{1}{2}$. 1 p.
1042. xxiv. Copies of Acts of Virginia, for imposing fines on refractory persons, 1666, and for supplying the country with arms and ammunition, 1684. *Same endorsement*. 2 $\frac{1}{2}$ pp.
1042. xxv. Copy of an Act of Virginia, 1673, for providing a supply of arms and ammunition. *Same endorsement*. 1 $\frac{1}{2}$ pp.
1042. xxvi. Copy of an Act of Virginia, 1701, for levying and arming a force in time of danger, with the Council's Amendments, not agreed to by the Burgesses. *Same endorsement*. 6 $\frac{1}{2}$ pp.
1042. xxvii. Memorandum of Journal of Committee for Revisal of the Laws and superintending the building of the Capitol in Virginia, July 7, 1699–May 10, 1701. $\frac{1}{4}$ p.
1042. xxviii. Memorandum of the Journal of same Committee, June 5–July 7, 1701. $\frac{1}{4}$ p.

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1042. xxix. Memorandum of Journal of Committee for inspecting the building of the Capitol, Nov. 6-13, 1701. $\frac{1}{4}$ p.
1042. xxx. Memorandum of Journal of Committee for revisal of the Laws, Aug. 7, 1700-May 11, 1701. $\frac{1}{4}$ p.
1042. xxxi. Memorandum of Revisal of Laws by the above Committee. $\frac{1}{4}$ p.
1042. xxxii. Memorandum of Journal of above Committee, June 4-July 9, 1701. $\frac{1}{4}$ p.
1042. xxxiii. Memorandum of Abridgment of the old Laws with alterations by the Committee etc. $\frac{1}{4}$ p.
1042. xxxiv. Memorandum of Journal of Committee for revisal of the Laws, Nov. 5-13, 1701. $\frac{1}{4}$ p.
1042. xxxv. Memorandum of alterations of Laws made by the Committee Nov. 5-13, 1701. $\frac{1}{4}$ p.
1042. xxxvi. Memorandum of proceedings of the Council and Burgesses in relation to the Revisal of the Laws, June 10-Oct. 1, 1701. $\frac{1}{4}$ p.
1042. xxxvii. Copy of the Resolves of the House of Burgesses of Virginia, Sept. 4, 1701, relating to Blackwater and Pamunkey Neck Lands. *Endorsed*, Recd. Jan. 31, 170 $\frac{1}{2}$. 5 pp.
1042. xxxviii. Copy of Act of Virginia for quieting the possessions of several persons seated within the land laid out for the Pamunkey Indians, not agreed to by the Governor, with the Queen of Pamunkey's petition to him, and the proceeding of the General Court thereon. *Same endorsement*. 3 $\frac{1}{2}$ pp.
1042. xxxix. Report of the Committee appointed to inspect the proceedings of the Committee for inspecting the buildings of the Capitol, Sept. 5, 1701. *Same endorsement*. 5 $\frac{1}{2}$ pp.
1042. xl. Copy of an estimate of the charge in building the Capitol. Total, 4,016*l*. 15*s*. 10 $\frac{1}{2}$ *d*. 1 p.
1042. xli. Copy of several allowances in the Report of the Committee for Publick Claims, 1701. *Same endorsement*. 1 p.
1042. xlii. List of Patents of Lands granted in Nov., 1700, and April and Oct., 1701. *Same endorsement*. 7 pp.
1042. xliii. Memorandum of Mr. Auditor Bird's Account of the 2*s*. per hhd, April 25, 1700-April 25, 1701. $\frac{1}{4}$ p.
1042. xliv. Memorandum of Mr. Auditor Bird's Account of lands and rights sold 1701. $\frac{1}{4}$ p.
1042. xlv. Memorandum of Mr. Auditor Bird's Account of Quit-rents for 1701. $\frac{1}{4}$ p.
1042. xlv. Memorandum of Mr. Carter's Account of the Impost on Liquors, Servants and Slaves, Dec. 16, 1700. $\frac{1}{4}$ p.
1042. xlvii. Memorandum of Mr. Carter's Account of the Impost on Liquors, Servants and Slaves, June 6, 1701, with the resolves of the Burgesses relating to several allowances. $\frac{1}{4}$ p.
1042. xlviii. Memorandum of Mr. Carter's Account of Imposts etc., Aug. 6, 1701. $\frac{1}{4}$ p.

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1042. xlix. Abstract of trial of several criminals since Col. Nicholson's Government. *Endorsed*, Recd. Jan. 31, 170 $\frac{1}{2}$. 8 pp.
1042. l. A collection of all matters relating to the French Protestant Refugees, 1700. *Same endorsement*. 58 pp.
1042. li. Memorandum of Journal of Council of Virginia upon all matters relating to shipping. $\frac{1}{4}$ p.
1042. lii. Copies of the Bonds of the Collectors and Naval Officers of Virginia, 1700, 1701. *Same endorsement*. 5 pp.
1042. liii. Copy of the trial of the sloop *Slowfield* of Maryland, in the Court of Admiralty, James City, July 23, 24, 1700. Condemned, with cargo, for importing into Elizabeth City County goods from Maryland without register. 4 $\frac{1}{2}$ pp.
1042. liii. (a) Copy of the trial of the *Mary Ann*, Aug. 21, 1700, for importing into James City County, being partly owned by foreigners (Marquis Olivier de la Muce, Charlois de Saily etc.) Adjourned to Sept. 25 on account of illness of Marquis de la Muce. Discharged for want of sufficient evidence. 7 pp.
1042. liii. (b) Copy of the trial of the *Peter and Anthony* galley of London, Oct. 19, 1700, for importing goods into James City County, though navigated contrary to the Laws of Navigation (as to ownership and crews). Discharged. 12 pp. *The whole endorsed*, Recd. Jan. 31, 1701.
1042. liv. Copy of proceedings of the General Court of Virginia upon Navigation Bonds, Oct., 1700, and April and October, 1701. *Same endorsement*. 2 $\frac{3}{4}$ pp.
1042. lv. Memorandum of Collector and Naval Officer's Lists of Ships, May, 1700–Sept., 1701. $\frac{1}{4}$ p. [*C.O.* 5, 1312. Nos. 21, 21.i.–lv; and (*without enclosures*) 5, 1360. pp. 159–172.]

Dec. 2. **1043.** Journal of House of Burgesses of Virginia, Nov. 7, 1693–May 18, 1695, relating to the assistance to be given to New York. (*See previous volumes of this Calendar.*) *Endorsed*, Recd. Jan. 31, 170 $\frac{1}{2}$. [*C.O.* 5, 1408. pp. 1–19.]

Dec. 2. **1044.** Journal of Council of Trade and Plantations. Letter from Lord Cornbury, Nov. 28, read.

Copy of a grant of the Secretary's place of the Leeward Islands, Nov. 27, read.

Order of Council, Nov. 11, read, concerning the ill usage of Mr. Carpenter. Directions given for preparing letters to Gov. Codrington accordingly.

Letter from Lieut.-Governor Partridge, Sept. 8, read. Acts and Minutes of Council enclosed laid before the Board. Letter ordered to be prepared to direct him to transmit a complete and authentic collection of all the Laws of New Hampshire.

Letter from Capt. Powell, Oct. 5, read. But the matter therein contained not being properly under the direction of this Board,

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ordered that the same together with other papers relating to Newfoundland be communicated to Mr. Blathwayt when he comes to town.

Letter from Mr. Larkin, Oct. 14, read.

- Dec. 3. Further progress made in considering the notes made by the Proprietors of East and West New Jersey upon the draught of a Commission and Instructions for a Governor. Directed that they be desired to attend on Fryday next in order to the settling of that matter, and to bring with them the names and characters of such persons as they think the best qualified to serve as Governor, Counsellors and other Officers there.

- Dec. 4. Letter from Capt. Powel, Oct. 12, read, and ordered to be communicated together with former papers on the like matter to Mr. Blathwayt, when he comes to town.

Notes of the Proprietors of the Jerseys, upon the draught of a Commission and Instructions for a Governor, further considered.

Two Acts of Antego, April 12 and Aug. 11, ordered to be sent to Mr. Attorney General for his opinion. [*Board of Trade. Journal, 14. pp. 218-223.*]

- Dec. 3. **1045.** Minutes of Council of the Massachusetts Bay. Ordered Boston. that the Captain of the Castle return and deliver the four great guns belonging to the *Johnson* frigate, Capt. Samuel White, impressed for H.M. service at the Castle in the time of the late war.

Warrant for 50*l.* 16*s.* for sundries for the Castle, signed. [*C.O. 5, 788. p. 112.*]

- Dec. 3. **1046.** Minutes of Council of New Hampshire. The following Portsmouth. were appointed to run the bounds between town and town and make good bound trees and bound marks, according to the bounds settled by Law:—*Portsmouth*: Major Wm. Vaughan, Capt. Mark Hunking, Capt. John Pickering. *Hampton*: Nathaniel Weare, Capt. Henry Dow, Ephraim Marston. *Dover*: Capt. John Tuttle, Lt. James Davis, Lt. Wm. Furber. *Exeter*: Jonathan Wadleigh, Ensign Nicholas Gilman, John Foulsham. *Newcastle*: James Randle, James Leach, Wm. Berry. [*C.O. 5, 789. pp. 73, 74.*]

- Dec. 4. **1047.** William Popple, junr., to Mr. Attorney General. Whitehall. Enclosing for his opinion two Acts of Antigua, (1) to enable John Fry, jr., and George Thomas to sell 240 acres etc., and settling the surplusage for the maintenance of Samuel Winthrop, a minor, April 12, 1701.

(2) to enable Alexander Crawford, guardian of Elizabeth Rott, sole daughter and heir of James Rott, decd., to sell 130 acres for payment of debts etc, Aug. 11, 1701. [*C.O. 153, 7. p. 283.*]

- Dec. 4. **1048.** Mr. Savage to Mr. Popple. I desire you will please to let Custom House, London. me know for the Commissioners' information what is done at your Board touching the complaint against Col. Elrington. *Signed, Richd. Savage. Endorsed, Recd. Read Dec. 5, 1701. Addressed. ½ p. Subscribed.*

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Whitehall.

1048. i. William Popple to Mr. Savage. Enclosing copies of following letters to Col. Codrington and Col. Elrington, together with the letters and enclosures themselves to be forwarded. $\frac{1}{2}$ p. [C.O. 152, 4. No. 60; and 153, 7. pp. 287, 288].

Dec. 5.
Whitehall.

1049. Council of Trade and Plantations to Governor Codrington. Enclosing papers relating to the case of Henry Carpenter (Nov. 11), and recommending the matter for his examination. "We desire you in examining the same not only to take the answer of Col. Elrington, but to communicate it also to Mr. Carpenter and take his reply, and to take care that as to whatever proof shall be offered by witnesses on either side, the depositions be upon oath; and that the whole answer, reply, examinations and whatever else shall be produced to you in relation to that matter be transmitted to us, together with your own opinion thereupon with what speed you can. In the meanwhile you are also to take care that Mr. Carpenter and other officers acting under him be permitted quietly to attend the duty of their respective employments, as is proposed by the presentment of the Commissioners of Customs." *Signed*, Stamford, Ph. Meadows, Abr. Hill, Mat. Prior. [C.O. 153, 7. pp. 284-286.]

Dec. 5.
Whitehall.

1050. Council of Trade and Plantations to Lieut.-Governor Elrington. Communicating Order in Council Nov. 11, and instructions to Gov. Codrington in preceding. *Signed*, Stamford, Ph. Meadows, Abr. Hill, Mat. Prior. [C.O. 153, 7. pp. 286, 287.]

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1051. William Popple to Sir John Hawles. Enclosing for his opinion in point of Law the Acts of the Massachusetts Bay, May 28, 1701. [C.O. 5, 909. pp. 7-10.]

Dec. 5.

1052. Mr. Dockwra and other Proprietors of East New Jersey to the Council of Trade and Plantations. In obedience to your Lordships' directions we humbly present the following list of persons for Governor and Council of the intended province to be call'd Nova Cæsaria or New Jersie. For Governor: Andrew Bowne, present Governor of East New Jersey, a man of probity, much esteemed, and intirely affected to H.M. Or, Major Richard Ingoldsby, well known to have signalised himself by many good services to his country, and in 1688 came over from Holland with H.M. etc. On the death of General Slaughter, commanded in chief in New York to the general satisfaction. Is particularly recommended by his Grace the Duke of Ormonde. For Members of the Council for East Jersie division, we present Lewis Morris, Andrew Bowne, Sam. Walker, Wm. Pinhorne, Sam. Leonard, Wm. Sandford. *Signed*, Wm. Dockwra, Peter Sonmans, Tho. Barker, Clemt. Plumsted. *Endorsed*, Recd. Read Dec. 5, 1701. 1 p. [C.O. 5, 1261. No. 33; and 5, 1289. pp. 315, 316.]

Dec. 5.

1053. Names of Governor and Council of Nova Cæsaria, proposed by Sir Tho. Lane and other Proprietors of West New

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Jersey :—Col. Andrew Hamilton, Governor. Councillors :—Lewis Morris, Edward Hunloke, Andrew Bowne, Samuel Jennings, Thomas Revell, Francis Davenport, William Pinhorne, Samuel Leonard, George Deacon, Samuell Walker, Daniel Leeds, William Sandford. *Endorsed*, Recd. Read Dec. 5, 1701. 1 p. [*C.O.* 5, 1261. *No.* 32 ; and 5, 1289. p. 314].

Dec. 5.
Anapolis in
Maryland.

1054. Geo. Larkin to the Council of Trade and Plantations. Since leaving Boston (*see* Oct. 13), I have travelled by land to this place. The unhappy differences betwixt the two contending parties at New York are now grown to that extravagant height, that they are ready to go by the ears upon every light occasion, and I could heartily wish that some expedient might be found out at home for reconciling the same, which I am afraid will be almost impossible if the settlement made during the time of the late Governor should be thought fit to be continued.

In the Proprietary or Charter Governments that I have yet been, I don't find that they have any manner of fortifications, or indeed taken any care to defend themselves in case there should be occasion. In some places they have a Militia, it's true, but so irregular that it's not to be imagin'd. I do admire how they escaped the French all the late wars, for they may come in with a ship at any time to Rhode Island, or go all along the sound and lade themselves with plate (with wch. the inhabitants of those parts are very well stock't) and do what mischief they please, and go away undisturbed. Most of the people of that Government and Connecticut employ themselves wholly in the woollen manufacture, and have found out a very pretty way to evade the late Act, for they carry their sheep from one place to another, and when they are shorne, bring them home again, leaving their fleeces behind. I have seen as good druggits of that countrey make sold for 4s. 6d. per yard as ever I saw in England in my life.

One How and Churchill, two persons convicted with Kidd, are lately returned from England to Pennsylvania, and as I am credibly informed have taken up, the former 1,500*l.* and the latter 800*l.*, which they had buried in the woods when they first landed. These fellows have been hugg'd and caressed after a very strange manner by the Religious people of those parts, no money to be seen amongst them now but Arabian Gold, and to demonstrate to your Lordships that Pyrates are esteemed very honest men, the President of the Council of New Hampshire, Secretary of the Province and Clerk of the inferior Court, is going to marry his daughter to one of these villains. They give out that they gave 300 guineys apiece for their enlargement, their behaviour has been very insolent, and I am apt to believe will encourage more in the Proprietary Governments to tread in their steps than the Act will deter from them. I stayed at Philadelphia three days upon notice that they were to return in that time, in hopes of seizing their money for the King's use, if possible, or their persons until it were known whether H.M. had been pleased to extend his mercy so far as to pardon them. If not, I am sure it's pity but that they should be made an example. During my

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stay there, I found everybody very shy of me, and glad to see me preparing to be gone. In short, my Lords, the Proprietary Governments are very prejudicial to the King's interest, they are a sort of a Recepticle or Refuge for pyrates and unlawful Traders. There is scarce a family in three in the Government of Rhode Island but some of them have been concerned in privateering, as they term it, and a great many in Pensylvania and the Jerseys, and until H.M. can send Governors of his own to those places, tho' Acts of Parliament be made with all the caution and severity imaginable, they will be of little or no signification. I am informed the inhabitants of the Proprietary Governments drive a constant trade to Surrinam and Curacoa, two Dutch Plantations, from whence they bring back linnen and other European commodities. As to the proceedings against Pyrates, I have settled the same at New York and this place as I did at Newfoundland and New England. *Signed*, Geo. Larkin. *Endorsed*, Recd. Feb. 4, Read March 19, 1701. *Holograph*. 2½ pp. *Annexed*.

1054. i. Abstract of preceding. 2 pp. [C.O. 5, 715. Nos. 47, 47. i.; and (without abstract) 5, 726. pp. 115-119.]

Dec. 5.

1055. Journal of Council of Trade and Plantations. Letters to Governor Codrington and Col. Elrington signed. Copy ordered to be sent to Mr. Savage, Secretary to the Commissioners of the Customs for Plantation Business, to be communicated to them, together with the original letters to be forwarded by him.

Letter from Mr. Addington, Sept. 30, read, and papers enclosed laid before the Board. Acts enclosed ordered to be sent to the Solicitor General.

Letter from Mr. Addington, Oct. 9, read.

Order of Council, Nov. 20, upon an Act of Nevis, read.

Sir Thomas Lane, with Mr. Docmenie and other Proprietors of West New Jersey, also Mr. Dockwra with Mr. Sonmans and other Proprietors of East New Jersey, each presented to the Board different papers with the names of persons proposed by them for a Governor and Counsellors in the intended settlement of that Country under a Governor commissioned by his Majesty. And further whereas Mr. Dockwra's paper contains the names but of six persons for Counsellors, both sides declared their agreement in the names of the twelve contained in the paper brought in by Sir Thomas Lane, in which the aforesaid six are comprehended. Their Lordships afterwards proceeded to acquaint them particularly how far they had thought fit to agree or not agree with the notes that had been made by them upon the draft of a Governor's Commission and Instructions; and after some debate the whole was agreed upon, and the copies which were lately received from Sir Thomas Lane ordered to be returned to him with corrections and additions according to the present agreement. [*Board of Trade*. Journal, 14. pp. 223-226.]

[Dec. 9.]

1056. Copy of a Surrender of the rights of Government by the Proprietors of East New Jersey inhabiting there in 1701. June 19, 1701. *Signed*, Robert Burnet, Miles Forster, John Johnstone,

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Michael Hawdon, John Barclay, Thomas Warne, Thomas Gordon, David Lyell. *Endorsed*, Recd. Read Dec. 9, 1701. Communicated to the Board by Mr. Morris. 5 $\frac{1}{4}$ pp. [C.O. 5, 1261. No. 34.]

[Dec. 9.]

1057. Mr. Usher to the Council of Trade and Plantations. Being here arriv'd, looke upon itt to be my duty (having been honored with H.M. Commission as Lieut.-Governor in province New Hampshire) to lay before your Lordships a brief account of proceedings there. John Hincks, William Vaughan, Richard Walderen, three suspended persons, seized H.M. Government, and on Feb. 8, 1699, did raise men with arms to apprehend and seize my person, as may appear by a Proclamation by them issued out, requiring all persons not to yield due obedience persuant to the King's Commission, and giving warrant to Mr. Vaughan to seize my person, as may appear by minuit Council. Your Lordships ill resenting those proceedings was pleased to send orders, Aug. 3, 1697, directed to me as Lieut.-Governor, to take care of that H.M. Government until Mr. Partridge had qualified himself to take care of the Government, or my Lord Bellomont's arrival, requiring all persons to yield obedience persuant to said Commission, which Orders was there published Dec. 13, 1697, Council called, sett and several orders passed: Dec. 14, Wm. Partridge, with said Hincks, Vaughan and Walderen, three suspended persons, in contempt of and disobedience to said Orders, by force of armes entered on ye Government. July 31, 1699, my Lord Bellomont entering on ye Government, I then gave under my hand a charge against Partridge, Hincks, Vaughan and Walderen, and that I was ready then and there to prove my charge, but reasons then best known to himself omitted the hearing thereof. The Government is now in the hands of Partridge as Lieut.-Governor and two suspended persons of his Council, wch. were never restored by the King's Signet or sign manual, the wch. with all humble submission think in duty bound to lay before your Lordships. *Signed*, John Usher. *Endorsed*, Recd. Read Dec. 9, 1701. *Holograph*. 1 p. [C.O. 5, 862. No. 84; and 5, 910. pp. 11-13.]

Dec. 9.

1058. Mr. Champante to the Council of Trade and Plantations. *Repeats history of Bills of Exchange drawn upon him by the Council of New York for the pay of the forces.* The Lords of the Treasury on July 15, did upon receipt of your Lordships' communication June 25 [No. 579] direct the Earl of Ranelagh to pay over to me all such moneys as he had or should receive for the subsistence of the said forces till further orders, upon my giving security for the due application thereof, which I immediately did. But several of the aforementioned Bills of Exchange having been presented to me before the said Order of their Lordships, I humbly hope I was not in the wrong to decline engaging myself personally to the payment of them, by formally accepting them when Lord Cornbury's appointment had made the Pay Office refuse to issue to me any further subsistence. I took care, however, to tell the persons who brought them that they need not at all question

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the punctual payment of them, noting the day of their presentment, and saying that if I received authority from the Treasury, I would immediately accept their Bills as of the day they were presented, which I made it my business to do. They all seem'd very well satisfied, so that what reason anyone could have to alarm them on the other side, unless it was of malice, I can't imagine. All the said Bills of 1,100*l.* have been punctually answered, and H.M. Lieut.-Governor of the Province having since his arrival therein drawn upon me for 1,464*l.* 16*s.* 6*d.*, I have paid the same except 383*l.*, the Bills therefore being not yet due, but have been accepted by me, whereby I am become personally liable, tho' there is again a stop put to my receipt of any further subsistence, and no balance on account of subsistence in my hands to answer the same. For Lord Cornbury, having impowered by his letter of Attorney, Oct. 1, Mr. Andrews to receive the pay of himself, officers and companies, and having by letter of the same day to Mr. Paunceforte forbid ye issuing of any more money to me, Mr. Andrews has petitioned the Treasury that he might have the receipt of the same, setting forth that notwithstanding such his authority, I had received subsistence to the 25th of the last month, which petition stands now in a manner referred to Lord Ranelagh, and in the meanwhile there is a stop put to the issuing of any further pay, whereby the credit of H.M. Government of the Province or myself must suffer, if it continues till the Bills yet standing out become due. And I humbly submit it to your Lordships' consideration whether it can be for H.M. service that Lord Cornbury should take upon him the disposition of the pay of the said forces while they are actually under the command of the Lieut.-Governor, who can only answer for them to H.M., and wch. trust he cannot discharge without having their pay issued to his order, or whether your Lordships will not rather think it proper to consult the safety of the Province, which so very much depends on the ease and satisfaction of the soldiers therein, by preserving the credit of the Lieut.-Governor who has had the happiness to serve H.M. so advantageously in his late negotiations with the Indian Nations. *Signed*, J. Champante. *Endorsed*; Recd. Read Dec. 9, 1701. 2 *pp.* [*C.O.* 5, 1047. No 8; and 5, 1119. *pp.* 11-15.]

Dec. 9.
Whitehall.

1059. William Popple to Edward Northey, Attorney General. The Council of Trade and Plantations request your attendance on Thursday or Friday next, in order to advise with them about the methods in which the Surrender of the pretended right to the Government by the Proprietors of East and West New Jersey may be most fitly made. [*C.O.* 5, 1289. *p.* 317.]

Dec. 9.

1060. Journal of Council of Trade and Plantations. Ordered that Mr. Attorney General be desired to attend on Thursday or Fryday, in order to advise upon the methods in which it may be fit that the Proprietors of the Jerseys should surrender their right to the Government of that country.

Mr. Usher presented a Memorial relating to the disorders in New Hampshire, 1697.

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Mr. Blathwayt communicated to the Board a letter from Lord Cornbury to himself, Nov. 8, which was read. Ordered that a copy be given to Mr. Champante for an answer in writing. Mr. Fauconier was called in and made acquainted with this resolution, and ordered to attend again on Friday for such further directions as shall seem necessary after the receipt of Mr. Champante's answer. Messrs. Doemenie, Morrice, Dockwra, and Sonmans returned to the Board the draughts of a Commission and Instructions, which had been sent to Sir Thomas Lane in pursuance of the Minutes of the last meeting. And upon the mention of a Governor, Mr. Dockwra objecting against Col. Hamilton's being appointed, was ordered to bring his objections in writing. He also desired to have the said Commission and Instructions lent him in order to communicate the same to the Proprietors of East Jersey, and they were lent to him with orders to return the same on Thursday next at the furthest. Col. Morrice exhibited to the Board an original surrender of the right of Government of that country under the hands and seals of several of the General Proprietors inhabiting in East Jersey, so far as lies in their power, and left the same to be copied and then returned to him.

Mr. Champante presented to the Board a Memorial relating to the pay of the Forces at New York, as ordered Nov. 28, and the same being read, was ordered to be taken into further consideration when he shall have given in his answer to the letter from Lord Cornbury to Mr. Blathwayt.

Letter from Mr. Addington, Oct. 27, read, and the duplicate of the Acts of the Province therein mentioned laid before the Board.

Dec. 10. Draught of a Report relating to the Administration of Justice in Barbadoes considered.

Dec. 11. The above report was agreed upon and ordered to be transcribed.

Letter from Lieut.-Governor Partridge, Oct. 13, read.

Mr. Dockwra, with Mr. Sonmans, delivered back the draughts of a Commission and Instructions for a Governor for the Jerseys which had been lent him. And upon his proposing some further alterations to be made therein, he was ordered in the first place to settle that matter with the Proprietors of West Jersey. He also communicated the draught of a Surrender of Government intended to have been presented to the late King James by the Proprietors of East Jersey in 1688. [*Board of Trade, Journal*, 14. pp. 226-232.]

Dec. 10. **1061.** Mr. Secretary Hedges to the Council of Trade and Whitehall. Plantations. The three papers enclosed, entitled a Memorial of the Council and Representatives of the Province of the Massachusetts Bay in New England, with an humble Address to his Majesty from the same, both dated the 9th of August last, and another Address to his Majesty from the same Persons, bearing date 13 October last, having been presented to the King, his Majesty has been pleased to command me to transmit the same to your Ldps, for your consideration, and to report your

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opinion what may fitly be done in the severall matters therein mentioned. *Signed*, C. Hedges. *Endorsed*, Read Dec. 12, 1701, Read Jan. 8, 170 $\frac{1}{2}$. 1 p. *Enclosed*,

1061. i. Address of the Council and Representatives of the Massachusetts Bay. Boston, Aug. 9, 1701. We crave leave in all humility to express the deep sorrow where-with we are very sensibly affected under the awfull dispensations of divine Sovereignty towards us, first in the death of the truly noble Earl of Bellomont, your Majesties late Captain General and Governor in Cheif of this your Province, and soon after in the death of the Honble. William Stoughton Esq., yr. Majties. late Lieut.-Governour and Commander in Cheif of the same. Deploing our great unhappiness in being deprived of the conduct of two such worthy persons, more especially at a time when the present conjuncture makes us stand in the greatest need of all that wisdom, skill and prudence for directing the affairs of the Government which we had large experience of in them, our Trust under God is nextly in yr. Majties. Grace towards us, hoping that the same Royal goodness which inclined your Sacred Majesty to be favourable to your good subjects here in your appointing of persons so worthy and desirable to the chief places of Government over us will still dispose yr. Majesty to have the like princely care of and regard to us. Royal Sir, We humbly crave leave further to let yr. Majty. understand that we have had the perusal of your Majesties several gracious Letters of the 19th of January and 2d of February, 170 $\frac{1}{2}$, and on mature consideration of your Majesties Royal pleasure therein signified, have humbly made bold in a Memorial accompanying this our Address to represent and set before your sacred Majesty the true state of our affairs, humbly praying your Majesty to be graciously pleased to cast a favourable aspect thereon, and of your Royal Bounty to afford the supplys and assistance therein mentioned, as necessary for the defence of your Majesties Interests within this your Province, whereby your good Subjects will be further encouraged in their Duty. And that Heaven's Blessings may rest on your Majesties Royal person and Government shall be the constant Prayer of etc. *Signed*, Joseph Lynde, Nathaniel Thomas, Daniel Pierce, Em. Hutchinson, Natha. Byfield, Benja. Browne, John Higginson, Saml. Partridge, Ja. Russell, Elisha Cooke, Wm. Browne, Elisha Hutchinson, Sam. Sewall, Jonathan Corwin, John Foster, Penn Townsend, Isa. Addington. In the name and by the order of the House of Representatives, Nehemiah Jewett, Speaker. *Same endorsement*. 1 p.

1061. ii. Memorial from the Council and Representatives of the Massachusetts Bay to the King. Boston, Aug. 9, 1701. Upon perusal of your Majesty's several gracious Letters

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of the 19th of Janry. and 2d of Febr. 170¹ directed to your Majesty's Governour or Commander in Chief for the time being of this Province, and on mature consideration of yr. Majesties Royal Commands therein signified, We crave leave in all humble and dutifull manner to represent to your sacred Majty;—As to the complaints of the spoil of Woods by cutting down and converting to private uses such Trees as are or may be proper for the service of your Majties. Royal Navy, we are ignorant of any grounds for complaints of that nature, none having been made to the Government here of any such practice within this Province, which had it been we should have endeavoured to restrain or prevent the same. Your Majesty having been pleased by your Royal Commission in the second year of your Majesties Reign to grant unto Jahleel Brenton Gent. the office of Surveyor of all and singular woods, Firtrees and other Timber Trees within these your Territories fit and proper for the use of your Majesties Royal Navy, empowering him, his Deputy or Deputies to view, survey and mark all such Trees, and to register the same etc.; and the said Mr. Brenton and his Deputies being in the actual Exercise of said Office, we might reasonably expect, had any obstruction been given them therein or any spoiles made, they would have made application to the Government for redress thereof; but they have not offered at any time any such complaint. And Timber proper for your Majty's. Service is of so great vallue and esteem here that no persons who have any such will readily spoile, imbezel or convert it to other use, because it would be much to their disadvantage.

As to Fortifications. The last summer we caused a small Fortification to be erected at Casco Bay, where there is a Garrison posted, upwards of fifty miles to the Eastward of any present settlement of the English, whereby we designed to accommodate the Indians for Trade, and to supply them at easy rates, tho' with loss to the Publick, to prevent their going to the French therefore, and to fix them in the English Interests, as also to encourage the resettlement of that part of the Province. And a Plantation will be speedily set forward there in case a New War do not commence. The Fort formerly erected at Pemaquid, cost us not less than twenty thousand pounds to build and maintain the same, and we are not sensible we had in any measure a proportionable advantage thereby. The scituation thereof was on a Promontory towards the sea much out of the ordinary roads of the Indians, yet were we carefull to furnish and supply the same with all necessary stores and provisions, and had newly reinforced the Garrison (which with that recruit consisted of more than four

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score men) and sent them fresh supplies a little before it fell into the hands of the Enemy. Had the Commander been as well furnished with conduct and resolution, it had probably been defended. We are humbly of opinion that the building of a Fort at Pemaquid lying upwards of one hundred miles distant from any part of the Province at present inhabited by the English can be no security to our Frontiers or bridle to the Indians. The only benefit we conceive might arise thereby would be to shelter a few boats that may be employed in fishing towards those parts and at some times put in there. And it would draw such a considerable charge upon your Majesties Subjects as they cannot possibly support. We are actually at work in raising new Fortifications on Castle Island near Boston (the place of greatest import within this your Majesties Province), under the direction and oversight of Coll. Romer, which works will amount to considerable sums of money. And 'tis further necessary, could we be able to support the charge thereof (which indeed we cannot) that Fortification should be made in several other places within this Bay near Boston, as Salem, Marblehead, Gloucester, Plymouth and Hull, being so many avenues by which the Enemy may make impressions upon us. Our incapacity for doing what is necessary in this respect, where we are more nearly concerned, We hope with submission will sufficiently excuse us from contributing to the charge of building and maintaining Forts in the Province of New Hampshire. Their ability to maintain the Fort in that Province is proportionably much greater than that of your Majesties subjects in this, to do what is necessary as to Fortifications here. This Province was at very great charge to give them assistance during the late war, and must necessarily further assist them if war arise again, tho' they have not done anything towards reimbursing what was before.

As to the Quota of Assistance in Men or Money for New Yorke. We cannot be able to comply therewith without apparent hazard of exposing your Majesty's Interests within this Province. The line of our Frontier both by sea and land is of far larger extent than that of New York and does necessarily require by far a greater number of men to guard the same, we lye much more open and exposed to an attack by sea than New York does, and if they be in hazard much more shall we. And if war happen with France, we must expect the Indians will break forth again. The line of our frontier against them is upwards of five hundred miles in length, and the French or Indians in the late war found none or little difficulty to come from Canada down the rivers, either

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in their Canoes, or on the ice in the winter season, and infest our Northern and Western Towns, whereto they can have a more easy access than to Albany, and 'tis not to be thought but that they will again make use of such advantage. The Inland Frontiers of New York are strengthened with some of yr. Majties. Foot Companies being constantly upon duty, and have the five Nations a barrier to them, who will be ready at all times to give them notice of the approach of an Enemy and afford them assistance. Also other of yr. Majties. Colonies lye more contiguous to New Yorke and can more readily afford them succours than this Province, they lying less exposed. The vast expence this Province was at in the time of the late War for the preservation of yr. Majties. Interests within the same and in the Province of New Hampshire (which without assistance from hence would become an easy prey to the Enemy) besides the devastations then made by the Enemy, have reduced yr. Majties. subjects here to an extream depth of poverty. The wounds they then received both in their persons and estates are so recent that they would labour of insuperable difficulties to be anew embroyled in War, and lyable to be transported to serve in another Province, whilst their families and estates lye exposed at home.

As to the sending Accessories in Piracy into England for Tryal, We fear the practice thereof will put discouragement on persons to discover any such Accessories they may know or be informed of; least they themselves be obliged to accompany them into England as Witnesses, which may prove ruinous to many to be taken upon a sudden and carryed away from their business and families. And the like may be said as to persons accused or taken up on suspicion, who may appear innocent and be acquitted on their Tryal. By the foregoing Representation in which we have endeavoured truly to set forth the danger your Majesties Subjects and Interests within this Province will be in of being exposed by a New War with France, together with the Indians breaking out again upon us and our incapacity of doing what is necessary for our defence against so potent an Enemy as the French, and to counterworke the crafty designs and surprizes of the barbarous and bloody salvages, who have such advantage against us; yr. Majty. may be pleased to take a view of the state of our affairs, and to judge of our wants, especially of cannon, small armes and other stores of war for the furnishing of yr. Majties. Fortifications within this Province, as also some ships of war of greater force than these at present assigned to this Station, for the better guarding and securing of the coast in case of war: For which we humbly implore your

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Majties. Grace. We humbly crave leave further to subjoin to the answer made by Sr. Henry Ashhurst to the Petition preferred to yr. Majty. by the Earl of Limerick for the grant of a Tract of Land called Pemaquid, that besides the Grant thereof made in yr. Majties. Royall Charter for this Province, the said Land wth. others lying both to the Eastward and Westward thereof was anciently granted by the Council of Devon to particular persons as their own property and by them since allotted out, and a great part thereof actually improved, untill the Inhabitants were forced away by the hostility of the Indians, and will be again resettled if Peace continue, which Lands are also purchased of the Indians. *Signed*, John Foster, Peter Sergeant, Joseph Lynde, Penn Townsend, Em. Hutchinson, Benja. Brown, Jon. Higginson, Barnabas Lothrop, Jon. Thacker, James Russell, Elisha Cooke, John Hathorne, Elisha Hutchinson, Sam. Sewall, Jonathan Corvin, Wm. Browne, Nathal. Byfield. In the name and by the Order of the House of Representatives, Nehemiah Jewett, Speaker. *Same endorsement.* 3 $\frac{1}{4}$ pp.

1061. iii. Address of the Council and Representatives of the Massachusetts Bay, Praying that their desires in the Meml. of the 9th Aug. may be complied with. Boston, Octob. 18, 1701. Upon the death of yr. Majties. Captain General and Governor in Chief over this your Province and of the Lieutenant-Governour, we had sometime since prepared an humble address to your Sacred Majesty, and a Memorial accompanying the same, and had also appointed an Agent to attend yr. Majesty, humbly to present our said Address and Memorial, and to sollicite the affairs of this Government; But before an opportunity presented for his setting forward, intelligence arriving that yr. Majty. had been graciously pleased to appoint a Governour over this your Territory who might be expected here in a very short time, his dispatch was deferr'd, that we might have the advantage of the Governour's advice and directions in the further humble Representations and Supplications necessary to be made to your Royal Majesty on behalf of this your Province. Now, your Majesties Governour not being arrived, and the ships bound for England in a readiness to saile, we embrace this opportunity (not knowing when another may offer) to forward our said Address and Memorial to be humbly presented by another hand; And crave leave in all humility further to express our dutifull and thankfull acknowledgements of yr. Majties. Princely care of and Royal Bounty to us in the supply of fifty barrels of powder which yr. Majty. has been graciously pleased to bestow upon us and is arrived. And we are thereby encouraged to hope that yr. Majties. Royal Bounty

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will extend to a further supply of Stores of War as mentioned in our aforesaid Memorial. Our Fortifications on Castle Island being much enlarged by the direction of Collonel Romer, your Majesties Engineer, wherein we have and shall be at very great charge. And forasmuch as we are given to understand, that through the suggestion of some persons not well affected to Charter Governments, a Bill has been prefer'd in the House of Lords, for the vacating of Charter and Proprietary Governments within yr. Majties. Plantations, we in all submission crave leave humbly to pray yr. Majties. grace and favour towards your good subjects within this your Province; that no such suggestions may make impression in your Royal Brest to deprive us of those priviledges which we enjoy under yr. Majties. most gracious Grant, And that we may not be included in any such Act to our prejudice, without having opportunity given us of being heard and speaking for ourselves, which will greatly animate yr. Majties. good subjects in continuing to pray for yr. Majties. long life and prosperous reign. *Signed*, Joseph Lynde, Nath. Thomas, Em. Hutchinson, Danl. Peirce, Penn Townsend, Saml. Partridge, Isa. Addington, Wait. Winthrop, Ja. Russell, Elisha Cooke, Elisha Hutchinson, Sam. Sewall, John Foster, Peter Sergeant, John Walley. In the name and by order of the House of Representatives, Nehemiah Jewett, Speaker. *Same endorsement.* 1 p. [C.O. 5, 862. Nos. 85, 85.i-iii; and 5, 910. pp. 155-172.]

Dec. 10.
Maryland.

1062. Governor Blakiston to the Council of Trade and Plantations. I have the honour to receive yours of June 13, with the Act for Religion as it is now corrected by H.M., and since your Lordships have not laid any commands upon me to call the Assembly on purpose but have directed it to be laid before the General Assembly at their first meeting, the other Law subsisting in the interim, I have with the advice of the Council defer'd calling them till the Spring, for after October it is hardly possible to bring the General Assembly together by reason of the badness of the weather, the Rivers being usually frozen up.

By way of New York I received H.M. letter of Jan. 19, recommending to the General Assembly of this Province a supply of 650*l.* towards fortifications on the frontiers of New York, as also a quota of men is required. I must owne that the Assembly having sat in the summer, and this letter coming afterwards, [that] to have called the Assembly immediately again might rather, than have procured, obstructed there complying, for the charge of calling the Assembly is considerable, unless an absolute and immediate necessity require it, their charge amounting to above 10,000*l.* of tobacco per day, which at a penny per pound is above 40*l.* sterl. I must further owne that as the Assembly was appointed to be held some time in Sept. in Virginia, I knew

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H.M. letter would come under their consideration, and H. M. great care of sending men of war always to guard that Colony, and many other reasons induced me to believe they would not have rejected it, and if they had done it, I would then have taken hold of that occasion to have call'd the Assembly, and it would have been a good precedent for us. The Assembly at Philadelphia met about the same time, and they also refused it, so that we did not think it advisable to call them at that time, when we had fresh before us two ill examples. But in the Spring I shall lay it before the General Assembly and enforce it with all the industry I am capable of, which I hope will be early enough, the Government of New York not having made the least demand of it as yet. Your Lordships' of July 22 by Sir Thomas Laurence came not to my hands till about Nov. 15. I have endeavoured to return as speedy an answer as possible; your Lordships are sensible I am a stranger to the transactions of this Government before H.M. took it under his more immediate protection; and I did judge the Council, who have most of them been long inhabitants here, might have furnished me with what miscarriages had been committed during the Proprietors' time. At the meeting of the Assembly I will endeavour to furnish you with some things more particular, which I dare not presume to report to your Lordships till I have the undeniable proofs made more plain.

As to Pensilvania, I am altogether a stranger in holding a correspondency with anybody there (they being all Quakers) unless it was with Col. Quarry and Mr. Moore, who is H.M. Attorney General there. Col. Quarry is gone for England about a month ago, who told me he was well prepared to give your Lordships the best account of the Transactions in that Province. Notwithstanding, I have writ to Mr. Moore to know if he can furnish me with anything material to transmit to your Lordships, either of the mismanagement of the Governments of Pensilvania or the Jerseys. *Signed*, N. Blakiston. *Endorsed*, Recd. Feb. 4, Read March 25, 1702. *Holograph*. 2½ pp. *Enclosed*,

1062. i. Abstract of preceding. 2 pp.

1062. ii. Memorandum of Minute of Council of Maryland, Sept. 1, 1701. *Slip*.

1062. iii. Memorandum of Minutes of Council of Maryland, Nov. 19, 29, 1701. *Slip*. [C.O. 5, 715. Nos. 49, 49.i-iii.; and (without enclosures) 5, 726. pp. 122-126.]

Dec. 10.
Annapolis.

1063. Sir Thomas Laurence to the Council of Trade and Plantations. On Sept. 10 I sailed from the Downs and arrived at Annapolis Nov. 11. I then gave to His Excellency the packet in which was contained the Law for Religion as it is settled by your Lordships, etc. *Signed*, Thomas Laurence. *Endorsed*, Recd. 13, Read May 21, 1702. *Addressed and Sealed*. *Holograph*. 1 p. [C.O. 5, 715. No. 48; and 5, 726. pp. 127, 128.]

Dec. 10.
Charlestown.

1064. Minutes of Council of the Massachusetts Bay. Capt. Henry Crofts, H.M.S. *Gosport*, ordered to sail for Barbados with a convoy, the first good opportunity of wind and weather,

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and not to stay there more than 6 days, but to repair to the Island of Salt Tertudos with such merchant ships as shall be ready to accompany him thither, and to remain there to guard ships that come to load salt until March 10, and then to sail with such ships as are ready, and return with what speed he can directly to this place.

Accounts for fitting out the *Gosport* ordered to be audited.

20*l.* paid to Timothy Wadsworth, of Boston, gunsmith, and his apprentice, Thomas Broughton.

3*l.* paid to George Felt, formerly of Cascobay, now of Salem, for 3,600 hard bricks and about 18 paving tile, used in building the Trading-house at Cascobay. [*C.O.* 5, 788. *pp.* 112-114.]

Dec. 10.
Whitehall.

1065. Wm. Popple to Isaac Addington. *Acknowledges* receipt of letters. You have undoubtedly heard long ago that there was a stop put to the passing of a Commission for the Governor intended for your Province; that matter remains yet in suspense, but I believe it will not be so long, for it is evident that a determination, one way or other, is very necessary. The appointment of Mr. Phips, as you write, to solicit the affairs of the Province, will I hope tend to the dispatch of all. [*C.O.* 5, 910. *pp.* 13, 14.]

Dec. 11.

1066. Commission for Col. Joseph Dudley to be Capt. General and Governor in Chief of the Province of the Massachusetts Bay in New England. [*Cf.* Nov. 26.] He is also appointed Capt. General of the Militia and all the forces by sea and land in Rhode Island and Providence Plantations, and the Narragansett Country or King's Province. [*C.O.* 5, 862. *pp.* 17-29.]

Dec. 11.

1067. Instructions for Joseph Dudley, Capt. General and Governor in Chief of the Massachusetts Bay. Same as *No.* 647.ii. *with a few variations, notably,* (1) You are from time to time to send to us by one of our principal Secretaries of State, and to our Commissioners for Trade, the names and qualities of the Members appointed to be of the Council by the first conveniency after such appointments, and to take care that they be men of estates and abilities, and well affected to the Government. (2) Whereas it is necessary that due provision be made for the support of the Government by setting apart sufficient allowances to you and our Lieut.-Governor for the time being residing, and whereas our Province of the Massachusetts Bay has not hitherto taken any manner of care in that matter, tho' the like provision be generally made in our other Plantations in America, which are under our immediate Government, notwithstanding that divers of them are much less able to do it, you are therefore to propose to the General Assembly and use your utmost endeavours with them that an Act be past for settling and establishing fixed salaries upon yourself and others our Captains General that may succeed you in that Government, as likewise upon our Lieut.-Governors or Commanders in Chief for the time being, suitable to the dignity of those respective offices. (3) You are also earnestly to recommend the building of a Governor's House.

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(4) You are to take all possible care in the granting of any lands not already disposed of, that such limitations and methods be observed as may best tend to the safety and due improvement of our Province. (5) And whereas we have been informed that great spoiles are daily committed in our woods in the Province of Main and other parts within your Government of the Massachusetts Bay, by cutting down and converting to private uses such trees as are, or may be, proper for the service of Our Royal Navy, and it being necessary that all practices which tend so evidently to deprive us of those supplies be effectually restrained, Our will and pleasure is that upon consideration of the occasions of such abuses, the methods by which they are carried on and the inconveniences that attend them, you use your endeavours with our Council and the Assembly to dispose them to pass Acts for the better preventing the further spoile of those woods, and for preserving a nursery of such trees as may be useful for our service. And in case you cannot prevail with them to pass Acts proper and sufficient for those purposes, that you send over hither the heads of such a Bill as may be enacted here. (6) In case of any distress of any others of our Plantations, you shall, upon application of the respective Governors thereof to you, assist them with what aid the condition and safety of your Government can permit. And more especially in case our Province of New York be at any time invaded by an enemy, you are to call upon our Council and the General Assembly of the Massachusetts Bay to make good in men (or money in lieu thereof) their quota of assistance according to the Repartition formerly sent thither, assuring them that in case of the like invasion of the Massachusetts Bay, they will be mutually assisted from New York. (7) The Militia of Rhode Island and the Narraganset Country are to be under their own Governors in time of peace, but you are to command in case of danger, *etc.* See 647.ii. [*C.O.* 5, 910. pp. 30-60.]

Dec. 11. **1068.** Commission for Col. Dudley to be Governor and Commander in Chief of New Hampshire. *Cf. Cal. A. & W. I.* 1699. No. 382, and *supra*, Nov. 26. Three Councillors are here to be a quorum. [*C.O.* 5, 910. pp. 61-81.]

Dec. 11. **1069.** Instructions for Col. Dudley to be Governor and Commander in Chief of New Hampshire. *Cf. No. 647.ii. with variations ; notably*, The Council to consist of William Partridge, John Hincks, Nathaniel Fryer, Peter Coffin, Robert Elliot, John Gearish, John Ware, William Vaughan, Saml. Penhallow, George Jeffry, John Plaisted, and Henry Dow. Not to act with a quorum of less than five except upon extraordinary occasion. You are to take care that the Assembly is elected only by freeholders, as being most agreeable to the custom of England, to which you are as near as may be to conform yourself. And you shall reduce the salary of the members of the Assembly to such a moderate proportion as may be no grievance to the Country, wherein nevertheless you are to use your discretion, so as no inconveniency

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may arise thereby. You are to endeavour to induce the Assembly to pass an Act for settling a salary upon the Governor, and to pass a law against cutting down woods *etc.* [*C.O.* 5, 910. pp. 89-117.]

Dec. 11. **1070.** Instructions to Col. Dudley, Governor of New Hampshire, in pursuance of several Laws relating to Trade. [*C.O.* 5, 910. pp. 118-152.]

[Dec. 11.] **1071.** Draught of a Surrender of Government intended to have been presented to the late King James by the Proprietors of East New Jersey in April, 1688. *Endorsed*, Recd. Read Dec. 11, 1701. Communicated to the Board by Mr. Docwra. 1 p. *Parchment*. [*C.O.* 5, 1261. No. 35.]

Dec. 12. **1072.** Mr. Champante to the Council of Trade and Plantations. Reply to Lord Cornbury's letter to Mr. Blathwayt, Nov. 8. The late Lord Bellomont in 1697 carried over to New York a double cloathing for the forces, but which he was obliged to take along with him unmade, and the credit of H.M. pay being then very low, his Lordship was under a necessity to give his own bond for securing payment of several sums on account of the said cloathing, and on which, pursuant to his Lordship's orders, I have paid about 800*l*. There are yet on the same account other bonds of his Lordship's standing out and unpaid, which will unavoidably come upon my Lady his executrix, notwithstanding the unhappy circumstances her deceased Lord has left her in. I can't lay before your Lordships the charge of the aforesaid cloathing, but to offer at a computation of it on the assignments my Lord Cornbury is endeavouring to support, of the offreckonings of this and the last year, it can't amount to less than 3,000*l*, if your Lordships consider the difference in the price of commodities during the late war and since the Peace, and that the said cloathing was forced to be made up at New York, where all manner of labour, to speak of nothing else, is four or five times dearer than here.

The several Captains of the forces have likewise demands on the arrear of offreckonings before 1700 for clothing supplied by them to their Companies in the necessities they were often under, wch. may amount to 1,000*l*. This was all I knew of the state of the offreckonings when I attended your Board in April or May 1700, when your Lordships recommended to me the immediate care of providing a double clothing for the naked soldiery, and I was told by one of your Lordships, to whose memory I must appeal, that the necessity was so urgent that I might apply the very subsistence I received to the clothing which I should be able soon to make good out of the offreckonings payable every two months, and wch. are the very offreckonings now in question. In obedience to your orders I immediately applied myself to the providing of a double clothing for 200 men, 12 serjeants, 12 corporalls and 12 drums, in which I took so immediate a care that Lt. Hunt and myself saw all or most of ye woollen commodities bought

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before our faces, and which I may venture to affirm were in all respects better than H.M. Guards of Foot were then clothed with. The charge amounted to 1,014*l.* 7*s.* 4*d.*, which has all been made good by me, and which I have not been yet repaid, notwithstanding my Lord Cornbury's allegation to the contrary, as shewn by my accounts (*Explained in detail*). The Government of New York plainly expect that I should be indemnified out of the offreckonings now in the Pay Office. But to this Lord Cornbury objects that Ld. Bellomont received 1,600*l.* due on account of offreckonings before 1697, and that thereby the cloathing provided by him was fully satisfied, that the cloathing of 1700 had been fully made good out of those of '97, and that there still remained in the Pay Office the offreckonings of '98 and '99 to be paid in debentures, and lastly insinuates that unless the offreckonings of this and the last year be not disposed of according to his assignment, he shall be forced to proceed on his voyage without any clothing, and what the consequence of that will be, he believes may easily be guessed at. I have heard that Lord Bellomont was forced to dispose of the tallies for that 1,600*l.* for but the sum of 1,100*l.* The sum of 1,808*l.* 11*s.* 3*d.* does remain in the Pay Office to be paid in debentures, which, at the discount other debentures have sold at, must be parted with for about 1,080*l.*, and if to this sum be added that 1,100*l.*, and 1,062*l.* 5*s.* 4*d.*, the offreckonings of 1697, which I have already accounted for, the whole will amount to but 3,242*l.* 5*s.* 4*d.* I have already shown that in all probability the demand upon the said offreckonings can't rise to less than 4,000*l.*, and the loss that will thereby accrue to my Lady Bellomont will be none of the least of her hardships, and this may further serve to show that the cloathing of 1700 is yet unsatisfyed, the contrary of which my Lord Cornbury seems to insist that he proves out of my own accounts. *Further details.* Lord Cornbury's fears of going to his Government without any cloathing are groundless. In case M. Fauconier, through inability or otherwise, shall not think fit to go on with the cloathing, which is said to be in such a readiness, and which I have some reason to think the contrary, unless the assignment in question be made good to him, that is to say unless he be paid the whole down in ready money, I am ready to engage myself to provide a satisfactory double cloathing for the forces, upon an order of the Treasury to receive the remainder of these two years' offreckonings, which after the demands upon them are paid will amount to about 900*l.*, and the offreckonings of the next to be paid when due without any postponing, and this proposal is above 200*l.* in value less than the assignments in question, and will leave the offreckonings of the said forces in a better condition than those of any other part of the Army, for there will always be of them a year in hand to contract upon. *Signed, J. Champante. Endorsed, Recd. 12, Read Dec. 17, 1701. 5 pp. [C.O. 5, 1047. No. 9; and 5, 1119. pp. 19-29.]*

Dec. 12. 1073. William Stamp and Peter Faulkner to the Council of Trade and Plantations. My Lord Cornbury having applied to

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your Lordships for to obtain a dispatch of cloathing which he did contract for with petitioners, which Mr. Champante has opposed without any reasonable cause, petitioners enclose the following papers to show how the offreckonings accounts of the Four Companies at New York stand. *Endorsed*, Recd. 12, Read Dec. 17, 1701. 1 p. *Enclosed*,

1073. i. Copy of Mr. Champante's account of his receipts and payments relating to the Forces at New York. 1 p.

1073. ii. Copy of Capt. Peter Mathew's Account for his subsistence and pay as Lieut. to the Commander's Company at New York, to May 7, 1701. Showing balance due 417l. 4s. 10d. *Signed*, Peter Mathews. Sworn before J. D. Reimer, Mayor. New York, May 7, 1701. 1 p.

1073. iii. Copy of petition of William Stamp and Peter Faulkner to the Lords of the Treasury. Oct. 16, 1701, with Lord Ranelagh's report thereon, Nov. 22. 1 p.

1073. iv. Copy of the memorial of Willm. Stamp and Peter Faulkner to the Lords of the Treasury, in answer to the objections of Lord Bellomont's Agents. Nov. 25, 1701. 2½ *closely written pp.*

1073. v. Copy of Lord Cornbury's contract with Wm. Stamp for part of the clothing for the soldiers at New York. July 1, 1701; with his Lordship's receipt for the said goods, Sept. 19. *Endorsed*, Recd. Read Dec. 17, 1701. 3 pp.

1073. vi. Copy of Lord Cornbury's contract with Willm. Stamp and Peter Fauconnier for part of the clothing for the soldiers at New York. Sept. 1, 1701. *Same endorsement*. 3 pp. [*C.O.* 5, 1047. Nos. 11, 11.i.-vi.]

Dec. 12. 1074. Council of Trade and Plantations to the King. *Summarises previous proceedings concerning complaints of delay and irregularities in the administration of justice in Barbados.* (Feb. 6 etc.) We now humbly crave leave to lay before your Majesty an account of the further progress of that matter. The Governour and Councill of Barbados have transmitted to us a large and particular answer to the several heads of complaint exhibited by Mr. Hodges against the proceedings of the Court of Chancery and other Courts of Justice in that Island, wherein they set forth, that the said Courts did sit more frequently than had been suggested by Mr. Hodges, appealing for proof of what they say to the Copies of their Journals, and Certificate of the Publick Register, by which they also show that all the Causes ripened for a hearing in the Court of Chancery since the present Governour's arrival there (being in the whole but 78, and 15 thereof having been upon the list before his arrival) were finished in March last; and when the intervals between their sittings happened to be longer than usual, they offer divers reasons for it; as the Governour's sickness, the sickness of the Island, the necessary forms and methods of their proceedings etc. They likewise vindicate themselves from some other imputations; by denying directly what Mr. Hodges asserts particularly in relation

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to the circumstances of the Judges of that Island, as if they were persons much in debt ; also in relation to the authority of some great men amongst them, as if it were made use of to deter witnesses from declaring their knowledge concerning the male-administration of Justice ; and they in like manner contradict him in several other points, challenging him withall to prove by particular instances, wherein justice has been perverted, either through bribery or any other unwarrantable consideration. In further testimony of the Governour's good conduct, they appeal to the Addresses that have been made by the inhabitants to your Majesty, and to him the Governour, acknowledging his impartial administration of justice amongst them ; in reference whereunto, they likewise observe, that amongst the 78 Causes which have been determined by him, there have been but two Appeals made to your Majesty in Council here. Upon the receipt hereof Mr. Hodges (who is the only person who appears to us to concern himself in the prosecution of these matters) desiring that the same might be communicated to him together with all the papers therein refer'd to, we complied with him therein. And he has thereupon delivered to us a long reply, in which he endeavours to disprove what the Governour and Council have alledged concerning the frequent sitting of their Courts, and so invalidate the reasons which they have offered from the consideration of sickness and otherwise for the extraordinary intervals that have sometimes happened, and this he does by observations upon their Journals, by offering some grounds of doubting whether the certificate of their Register were made upon oath, as is pretended ; together with other particular objections. He complains of the Governour's neglecting to inspect the management of the Courts of Common Pleas, particularly that of St. Andrews, whose negligence was such, that (as he says) they sat but one day in 14 months. He instances an obstruction in the course of Justice by the Governours not filling up a Judge Assistant's place in the Court of St. Michael's for about 6 months after the death of Mr. Gardiner, who had been in that place ; by means whereof all proceedings in that Court were so long stopt. He likewise complains of the great hindrance which his and other men's Common Law Proceedings had received from the Court of Chancery, by injunctions irregularly granted, and long continued ; and instances particularly in two cases of his own ; the one carried on in the names of Coats and Spry (his Trustees) against Sadler ; the other in the name of Holdip (his Trustee) against Downes, each of which he says had been suspended by Injunctions out of Chancery for about two years. He further asserts that no Court of Errors was held by the Governour, or at least that no Writ of Error was heard and determined by that Court, from his arrival there in July, 1698, untill the 24th Jan., 1700, which is about two years and a half. And he names Mr. Sharp and Mr. Sadler as persons much in debt, and therefore unfit to sit in any of the Judicatories of that Island. Whereas the Governour or Council have certified that all Causes ripe for a hearing in Chancery were finished in March last, he does not deny but that

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extraordinary diligence was used a little before that time, but this he attributes to the particular directions given to the Governour by our letter of October 16, 1700, for sending home attested copies of the Proceedings of all their Courts. He does not instance in any delay or denial of Justice either since their receipt of your Majesty's letter of the 16th March last, or of our letter of the 16th October before, nor has he produced to us any Affidavits upon the points which the Governor and Council have challenged him to make good, though we have frequently directed him to bring affidavits upon whatsoever he thought necessary to be proved. So that whatever have been the neglects or other irregularities in their Courts of Justice formerly, we have reason to believe that the directions already sent have been of good use towards their Reformation. However, Mr. Hodges not explaining himself by any one particular prayer or desire in relation to any Case wherein he is concerned (tho' often required by us to do it) persists still in his general complaint of former irregularities, as if no justice were ever to be expected in that Island without altering the whole form of Government. He insinuates that the Chancellour and other Judges should be persons learned and well skilled in the Laws of England; upon which we observe, that in the general administration of Justice in all your Majesty's Plantations, inhabitants of the best ability and reputation have been looked upon as the persons most proper to determine controversies there, and of least charge to the people. He proposes that the custome of making presents to Governours by General Assemblys should be abolished; against which there would be no objection, if a competent maintenance could otherwise be made to such Governours as have not sufficient allowances, without bringing a new expence upon your Majesty, as we have formerly represented. He desires that a longer time than 14 days may be allowed for appealing to your Majesty from the Decrees of their Chancery Courts; which being contrary to the General Constitution of the Plantations, who have all acted by the same rule without complaining, we are apprehensive lest the altering of it, as Mr. Hodges desires, should be attended with yet greater inconveniences than what he seeks to remedy. Upon all which we humbly observe, that it does not appear to us, that there have been any extraordinary delays in the sitting of the Courts of Justice in Barbados since the forementioned directions sent thither, nor much less that they have refused to hear any Motion or give Judgement in any Cause that has come before them; and we do not therefore conceive anything more proper to be done in this matter, at present, than that the Governour or Commander in Chief be strictly admonished to a constant care and watchfulness that Justice be duly administered on all occasions according to your Majesty's Orders already signified to them as aforesaid. And whereas by reason of these complaints and the time that was necessary for the examination of them, we have not hitherto laid before your Majesty two Acts of the General Assembly of Barbados, the one dated the 3rd of October, 1699, for the payment of 2,000*l.* currant money of

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that Island to his Excellency Ralph Grey Esq. ; the other dated the 5th of November, 1700, for the payment to him of 2,000*l.* sterling ; which sums, by the Constitution of that Government, and purport of the Acts themselves he is not to receive without your Majesty's approbation first had ; we now humbly offer, that considering the expence, which the Lord Grey has been obliged to make in supporting the dignity of that Government, has exceeded his Salary, and there not appearing to us any sufficient cause to hinder him of the benefit intended him in this manner by the inhabitants of that Island, your Majesty would be graciously pleased to permit him the said Lord Grey to receive the said sums of 2,000*l.* currant money of Barbados, and 2,000*l.* sterling according to the intent of the foresaid Acts.

And for any private injury the said Hodges may think he has sustained from the Lord Grey during his Government, he has his remedy at Law by virtue of an Act of Parliament lately passed to punish Governors of Plantations in this Kingdom for crimes committed by them in the Plantations. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 29, 7. *pp.* 444-453.]

Dec. 12.
Whitehall.

1075. William Popple to Governor Lord Cornbury. Upon the 2d instant I received the honour of your Lordship's letter of the 28th of the last month, and immediately laid the same before the Lords Commissioners for Trade and Plantations, who did not then give me anything in command to answer.

Their Lordships having now under consideration the cloathing necessary for the Soldiers at New Yorke, and being informed by Mr. Fauconier that he delivered to your Lordship some quantity of cloathing for that service in September last, they have now commanded me to desire your Lordship would please to acquaint them particularly what quantity of such cloathing you have with you aboard the *Jersey*, and what has been put aboard any other ship for the use of the said soldiers by your direction. [*C.O.* 5, 1119. *p.* 30.]

Dec. 12.
Whitehall.

1076. William Popple to Capt. Andrews. The Lords Commissioners for Trade and Plantations having under consideration the sending of cloathing for the soldiers at New Yorke, and being informed by Mr. Fauconier that he delivered to the Lord Cornbury in September last, for that service, a quantity of cloathing amounting to 524*l.* odd money, their Lordships desire you to acquaint them with what you know about the receipt and disposal thereof ; As particularly whether the said cloathing have been shipt for New Yorke, and in what vessell ; which you may please to do in a letter directed to myself. [*C.O.* 5, 1119. *p.* 31.]

Dec. 12.
Whitehall.

1077. Journal of Council of Trade and Plantations. Mr. Attorney General attending as desired, in order to advise upon the methods in which the Proprietors of the Jersies may most fitly surrender their pretended rights to Government, their

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Lordships, after several discourses with him, ordered that the Secretary wait upon him with copies or abstracts of such grants as are in this office, by virtue whereof the Proprietors claim that right, in order to the drawing a form whereby they may best surrender the same.

Mr. Peter Fauconier presented a petition which was read, and several papers presented therewith were laid before the Board. Mr. Champante presented a Memorial in answer to Lord Cornbury's letter to Mr. Blathwayt. After which, both Champante and Faulkner having been heard, ordered that the Secretary write to Capt. Andrews, Agent for the Lord Cornbury, to enquire what he knows about the receipt and shipping of some clothing, amounting to 524*l.*, for which Mr. Faulkner produced Lord Cornbury's receipt, dated in Sept. last. Secretary also ordered to write to Lord Cornbury.

A Report relating to the administration of Justice in Barbadoes, comprehending a report upon 2 Acts of the Assembly for presents to the Governor, signed. [*Board of Trade. Journal, 14. pp. 232-236.*]

- Dec. 15. **1078.** Capt. Andrews to William Popple. Illness prevented my waiting on their Lordships. Long before Sept. last I heard my Lord Cornbury had been about providing for some cloathing for the forces at New York, and before I was made his Agent, I was told he had received the same. I was likewise acquainted with a new contract made for further cloathing with Messrs. Will. Stamp and Peter Faulkner after my Lord had been spoken to by several undertakers, which last cloathing is still undelivered. As to what is become of the former new cloathing, amounting to 524*l.* 11*s.* 4*d.*, according to my Lord's receipt, which I know very well to be his Lordship's hand, I do believe he must have taken it along with him. *Signed, John Andrews. Endorsed, Recd.* Read Dec. 16, 1701. *Addressed. ½ p.* [*C.O. 5, 1047. No. 10; and 5, 1119. pp. 31, 32.*]

- Dec. 15. **1079.** Mr. Garret to Mr. Champante. Reply to enquiry as to cloathing supplied for the soldiers at New York since Sept. 1. *Signed, Dan. Garrett. Endorsed, Recd.* Read Dec. 16, 1701. Communicated to the Board by Mr. Champante. 1½ *pp.* *Enclosed,*

1079. i. List of goods entered on board H.M.S. *Jersey*, Sept. and Oct. *Signed, P. Alberts. 1 p.* [*C.O. 5, 1047. Nos. 13, 14.*]

- Dec. 15. **1080.** Minutes of Council of New Hampshire. Whereas Portsmouth. complaint is made that two of the persons appointed for Portsmouth (*Dec. 3*) to run the bound-lines between the towns of this Province, [and] appeared not to do their duty therein, ordered that William Cotton attend that service. [*C.O. 5, 789. p. 75.*]

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Dec. 16.
On board the
Jersey at
Spithead.

1081. Governor Lord Cornbury to Mr. Popple. I just now received yours of the 12th inst. (*q.v.*) and inclose a list of cloathing accordingly. I wish the rest of the cloathing were dispatcht. I should have a much pleasanter voyage then I shall have without them, and I am very weary of lying here. *Signed*, Cornbury. *Endorsed*, Recd. 18, Read Dec. 20, 1701. *Addressed*. 1 p. *Enclosed*,

1081. i. List of cloathing received by Lord Cornbury for the use of the soldiers at New York. $\frac{1}{4}$ p. [*C.O.* 5, 1047. Nos. 12, 12.i.; and 5, 1119. pp. 38, 39.]

[Dec. 16.]

1082. Mr. Dockwra to the Council of Trade and Plantations. Objections to Col. Hamilton being made Governor of New Jersey. In 1687 he had a Commission from the Proprietors of East Jersey, but acted contrary to his Instructions, and after many letters of complaint took ship for England. In his passage hither he was taken by the French, and, as he [said], the Proprietors lost all the copies of those Books and Papers which he pre[tended] would have put him in a capacity of giving a better account of his administration and of excusing himself. This insinuation, joined to fair promises of better administration at his return, and that he would give satisfaction for his former offences, and the pity they had of his misfortunes, prevailed with the Proprietors to grant him a new Commission, 1692. Under this Commission he had repeated orders and instructions. B[ut] notwithstanding all his promises and the continued importunity of the P[roprietors] to have an account of his former proceedings, he persisted in the [?] neglect of his duty, not observing any of their orders, and to this day has never given an account of any one year's transactions in this Province. The Proprietors of East Jersey, provoked by such usage, joined with th[ose] of West Jersey, and sent over Col. Bass in 1697 with their Co[mmission] for Governor of both Provinces, thereby superceding Col. Hamilton's Commission, which his Faction resented in that manner, that tho' [Col.] Bass received Instructions from this Board, signed by the Lords Justices and countersigned by the Lords of the Treasury, having [?] his dispatches from hence, and embarking on the same man of war as the Earl of Bellomont, and had a *dedimus potestatem* under the Broad Seal of England, by which he was sworn by Lord Bellomont in New York, yet they denied his authority and publicly affronted the said Governor Bass and Judges in open Court. This opposition was the first occasion of the heats and animosities in those Provinces. Col. Hamilton after the Province was sett on flame, took advantage of those confusions, returned to England, insinuated himself into the favour of some of the West Jersey Society, (who were ignorant of his proceedings under the Commission of the East Jersey Proprietors) and by his relation of the posture of affairs, induced them to believe that there was no way of quieting the Province, but by constituting him Governor, since the superceding his Commission gave rise to the divisions there. The West Jersey Proprietors, deluded by this artifice,

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persuaded some of the East Jersey Proprietors to join with them in giving Col. Hamilton a new Commission under a pretence that the necessity of affairs required it, at least till they could be better provided. The East Jersey Proprietors, dreading the event of intestine animosities, complied, tho' Col. Hamilton had formerly so notoriously forfeited his reputation with them. Thus they procured a majority of Proprietors and sent him over with their Commission, superceding that of Col. Bass. But Col. Hamilton sensible without the King's approbation he should meet with opposition, being the very argument used by himself and adherents against Col. Bass' Commission, endeavours were used to obtain the same by petition to H.M. But it was denied. Yet the business Col. Hamilton had to doe for the West Jersey Society was motive sufficient to prevail with him to act under a Commission of so much less authority than that of Col. Bass, and which for that reason he knew would be strenuously controverted there, and has since had all those dire effects, which the aversion to [of] that people to a Scotch Governor (promoting a Scotch interest) gave just apprehensions would procure. The East Jersey Proprietors finding they were mistaken in their remedy, and that this alteration had occasioned a far greater disgust in the Province, and that the inhabitants were resolved never to obey Col. Hamilton, but they themselves under any power rather than that of a Scotch Governor, did send over their Commission constituting Capt. Andrew Bowne upon the place their present Governour, a quiet man that had been Deputy Governor and well esteemed in the Province, and a second time superseeded Col. Hamilton's Commission. Col. Hamilton, believing it impossible ever to impose again on the Proprietors, resolved to try the last effort, and then set up in opposition to the Proprietors themselves, and though by his Commission he was obliged to surrender the Government on the arrival and publishing of a new Commission, yet he detained the Provincial Seal, keeps all the records and the *dedimus potestatem*, totally subverting the Government.

It's hoped that this, with the petition and remonstrances both from East and West Jersey already before the Board, will so far lessen him in your Lopps.' esteem that he will not be thought worthy of recommendation of Governour of New Jersey, and since your Lopps. were pleased to advise against presenting any party man (Col. Hamilton being peculiarly such) it's hoped you will not think it a medium to reconcile the contending parties of both Provinces by presenting him, nor judge it the most proper method to advance and encourage an English Colony by advising H.M. to constitute a Scotch Governour.

The injuries the inhabitants there and the Proprietors here have received from Col. Hamilton are the motives to their surrender, and they therefore hope that they shan't draw on themselves that very evil they would endeavour to be freed from. All those that have suffered by Col. Hamilton can have no hope of redress, should he be constituted Governor. For then he will become both Judge and Party too. The present apprehension of war may require a Governor skilled in military affairs, that

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the Militia may be well modelled and disciplined, and put in a capacity of opposing foreign enemies, as well as quieting intestine feuds. *Endorsed*, Recd. Read Dec. 16, 1701. Presented to the Board by Mr. Dockwra etc. 2 $\frac{3}{4}$ *large pp.* [C.O. 5, 1261. No. 36.]

Dec. 16.
Whitehall.

1083. Journal of Council of Trade and Plantations. The Secretary acquainted the Board with records of which he had given copies to the Attorney General as directed Dec. 12.

Letter from Capt. Andrews read.

Letter to Mr. Champante from Mr. Daniel Garret, a person employed by him to make enquiry abt. the clothing for the soldiers at New York, containing several probable evidences that no such clothing was either bought or shipt, being communicated to the Board by Mr. Champante, was also read.

Mr. Champante, Mr. Garret, Mr. Fauconier and Mr. Honan, the Lord Cornbury's Secretary, all attended upon occasion of clothing for the soldiers at New York, were called in, and the two latter being asked several questions relating to the clothing and to the shipping thereof in Sept. last, Mr. Fauconier declared that he did not know of whom it was bought, nor aboard what ship it was put. Mr. Honan declares that he knows nothing at all of the matter, nor where the said clothing is, whereupon their Lordships thought fit to put the following queries in writing:— (1) What day the clothing amounting to 524l., or any part thereof, was bought, and of whom? (2) To whom were either the whole or any part thereof delivered, and what day? (3) Who shipped them off, aboard what ship, and what day? (4) Were they entered at the Custom-House, and what day? (5) What packer made 'em up? A copy of these queries being delivered to Mr. Fauconier, he was required to bring an answer to them, with what proof he can make thereof, to-morrow morning.

Mr. Savage and Mr. Mead desired their Lordships would recall their late letter to Governor Codrington upon Col. Elrington's ill-treating Mr. Carpenter, offering thereupon that their Lordships' writing is not strictly pursuant to the Order of Council about that matter, which directs only writing to Col. Elrington about it. But their Lordships acquainting them that they had chose that as the most proper way to obtain a full and true account, Mr. Savage promised to send forwards all the letters which had been sent to him on the 5th.

Mr. Dockwra, with Mr. Sonsmans and Mr. Cox, jr., presented a paper of objections against Col. Hamilton's being appointed Governor of the Jersies. Col. Morris desired a copy thereof in order to his answering it, which was directed.

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Their Lordships took into consideration the several references that lie before the Board relating to the Secretary's place of Virginia, and gave directions for preparing a Representation thereupon.

Mr. Champante's Memorial, of Dec. 12, read.

An answer from Mr. Fauconier to the queries delivered to him yesterday was read. But it not appearing any ways satisfactory, and referring in everything to the Lord Cornbury, their Lordships

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directed the said queries and answer to be sent to his Lordship, together with a duplicate of the last letter writt to him by the Secretary, for his possitive and speedy answer to the whole matter, with intimation that the clothing or not clothing of the soldiers at New York will depend thereupon.

Mr. Champante, Mr. Garret, Mr. Fauconier and Mr. Honan being all called in, as yesterday, and Mr. Fauconier producing his contracts with the Lord Cornbury for clothing the soldiers at New York, dated July 1 and Sept. 1, copies were taken thereof. But no evidence appearing to their Lordships upon anything offered by him or others, either in writing or discourse, that any parcel of cloathing was really sent to New York, as pretended, in or about Sept. last, they thereupon wrote to the Lords of the Treasury with an account of the matter as it now lies before them, who replied that that Board have agreed that Mr. Champante shall provide and send away a full clothing for the four companies, or so much of it as shall not appear upon my Lord Cornbury's answer to have been already sent on ship board. These cloths to be sent by Mr. Champante by land to Portsmouth, to be put aboard the *Jersey* at Spithead. And whereas Mr. Champante has acquainted the Board that he has, about a year since, sent a double clothing for 200 of the soldiers, (of which number the Company then consisted) which is to serve them till Dec., 1702, he was directed that in case the said clothing have accordingly been delivered to the Companies, the like quantity of these now to be sent are to be detained, and not to be delivered out there till further order.

Upon occasion of Mr. Honan's appearing at this Board, these two days, as Secretary to the Lord Cornbury, ordered that an abstract be drawn of the informations against him, that a letter may be thereupon writ to Lord Cornbury.

Petition from the Widow Corbet laid before the Board. She was acquainted that the Report she asked for was not yet brought hither, but that when it comes, she shall have a copy of whatever may be proper and necessary for the maintaining of her right.

Dec. 18. Letter to Lord Cornbury signed. [*Board of Trade*. Journal, 14. pp. 236-244.]

Dec. 17. **1084.** Mr. Faulkner to the Council of Trade and Plantations. The cloathiers, who furnished the 524*l.* cloathing to my Lord Cornbury, delivered it to him on Sept. 19, as per his receipt appeareth. *Endorsed*, Recd. Read Dec. 17, 1701. 1 p. [*C.O.* 5, 1047. No. 15.]

Dec. 17. **1085.** Council of Trade and Plantations to the Lords of the Treasury. Being informed that the four Companys of Soldiers at New Yorke are in the greatest want of cloathing, and that unless they be immediately supplied they will all desert to the French or to the neighbouring Colonies, we have examined Mr. Fauconier who has produced contracts made with my Lord Cornbury for the cloathing of the said Companies, but are now ways satisfied that any part of the said cloathing is already sent.

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We have also writ to my Lord Cornbury, upon the same subject, on Fryday last, but have not yet received his answer. The said Fauconier has also further declared that he cannot provide the cloathes without the money. But Mr. Champante has offered to us "that he is ready to engage himself to provide a satisfactory full cloathing for the said Soldiers, upon an Order from your Lordships to receive the remainder of these two years' offreckonings (which after the demands upon them are paid will amount to about 900*l*.) and the offreckonings of the next, to be paid when due, without any postponing"; Or that rather than the Companies should want cloathing, your Lordships should dispose of 1,000*l*. of the foresaid two years offreckonings, as your Lordships shall think proper for that service. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 1119. *pp.* 35, 36.]

Dec. 17.
Whitehall.

1086. William Pople to Governor Lord Cornbury. The Lords Commissioners for Trade and Plantations not having yet received any answer to the Letter which I wrote to your Lordship the 12th instant by their direction, they have ordered me to send you the inclosed Duplicate. And whereas upon further enquiries which they have made of Mr. Fauconier, Captain Andrews, your Lordship's Agent, and other persons, concerning the sending away of the parcell of cloathing for the Soldiers at New Yorke in September last, their Lordships have not received any satisfactory account thereof, they have further commanded me to send you the inclosed Copy of certain Queries which they delivered yesterday in writing to Mr. Fauconier, and of the answer that he has this day returned unto them; By which he plainly avoiding to reply unto any one particular Query, and referring himself wholly to what answer your Lordship shall make thereunto, they have directed me to desire your Lordships positive and speedy answer to the whole matter, and to acquaint you that the cloathing or not cloathing of the said Soldiers will depend thereon. [*C.O.* 5, 1119. *pp.* 33, 34.]

[Dec. 17.]

1087. Petition of Eleanor Corbet to the Council of Trade and Plantations. Praying for a copy of the Solicitor General's report upon the Act of Antegoa in prejudice of her son; also for an effectual order to the Governor of the Leeward Islands to hold a Court for trial of her sons and the co-heirs of Lingham's title. (*See July 31, etc.*) *Endorsed*, Recd. Read Dec. 17, 1701. $\frac{3}{4}$ p. [*C.O.* 152, 4. No. 65.]

Dec. 18.

1088. Order of Council. Referring enclosed petition to the Council of Trade and Plantations to examine and report upon. *Signed*, Edward Southwell. *Endorsed*, Recd. Read. Dec. 23, 1701. $\frac{1}{2}$ p. *Enclosed*,

1088. i. Copy of petition of James Norton, late Lieut.-Governor of St. Christophers, to the King in Council. About Aug., 1700, some misapprehensions happening to arise between Petitioner and the General, they presented an

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Address to Col. Edward Fox, Lieut.-General of the Leeward Islands, charging petitioner with several matters of complaint relating to the execution of his office. Petitioner having put in his answer, and the matters of complaint being fully examined before Col. Fox and the Council of St. Christophers, it appeared that what your petitioner had wrong acted was not out of any wilful intent or presumption, but only through ignorance or misapprehension, wherefore Col. Fox and the Council thought fit to move it to the Assembly that there might be a perfect reconciliation between petitioner and the Representatives, and that all matters in difference between them should be buried in intire oblivion, which all parties agreeing unto, a reconciliation was accordingly made by unanimous consent, and ordered to remain upon record in the Council Book. Notwithstanding which, one Mr. Cole of Nevis, who out of his malice to petitioner had been the first promoter of the said complaint, in further prosecution thereof did about Nov. last present a petition to Governor Codrington, setting forth several articles of impeachment against Petitioner for sundry crimes and misdemeanours alleged to be by him committed in the execution of his Commission as Lieut.-Governor, all or the greatest part whereof were the same as had been heard and a reconciliation made as aforesaid, save only that in the last Article presented by Mr. Cole petitioner is charged with the breach of the Acts of Trade. Thereupon General Codrington came down to St. Christopher's, and witnesses were examined before him and Council as to the small matters of misdemeanours alleged against him, but nothing was proved of any breach by him of any of the Acts of Trade (whereof he humbly insisted that he never was in the least wittingly guilty). The charge being fully heard, Petitioner prayed that he might have a fortnight's time to consider of and answer the same and to produce his witnesses, but Gov. Codrington would allow him but 3 days, at which time Gov. Codrington and the Council meeting again, tho' Petitioner was not fully prepared, yet he alleged several things in his defence, which he humbly insisteth did very much excuse, if not perfectly justify him. Nevertheless Gov. Codrington suspended him from the execution of his Commission and confined him till he gave security in 1,500*l.* to answer an information to be exhibited against him for the same. By reason of the large security demanded, Petitioner is not able in his circumstances to procure any person to become bound, and hath therefore been forced to continue under confinement for near these 12 months, which hath been almost to the undoing of petitioner, his wife and children, and if not speedily released by your Majesty's Grace, will be to their utter ruin. *Prays that* he may have liberty

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to come to England and answer the charge before this Board upon giving security in a reasonable sum. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Dec. 23, 1701. 3 pp. [*C.O.* 152, 4. Nos. 64, 64.i.; and 153, 7. pp. 296-301.]

Dec. 18.
Council
Chamber,
Whitehall.

1089. Order of Council. Referring enclosed Appeal to the Council of Trade and Plantations to examine and report upon. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Dec. 23, 1701. $\frac{3}{4}$ p. *Enclosed*,

1089. i. Copy of Petition of William Shipman and Mary, his wife, and Thomas Harvey, a minor, by William Shipman his guardian, to the King in Council. Petitioners through the latter's ancestors, under whom they claim for upwards of 45 years, have been peaceably possessed of two Plantations in Nevis called Harvey's Plantations, to which petitioners are jointly entitled during the life of Mary, and after her death the other moiety descends to Thomas Harvey. Notwithstanding which, one Thomas Herbert pretending some title to these Plantations, did in April last deliver a declaration in ejectment to Mead, petitioners' tenant in possession, which Petitioners have reason to believe he was encouraged to do, for it is the general report in Nevis that Governor Codrington was treating with Herbert for the purchase of his pretended title, and was to have the Plantations in case Herbert recovered them. At the next Sessions of Nisi Prius, May 13, John Cole, Solicitor General for the Leeward Islands, on the first day made a motion on Petitioners' behalf to assign Harvey a guardian to defend with William Mead petitioners' title thereto. Col. Codrington, (who sat on the bench with the Judges, contrary to the practice of other Governors, an Appeal lying to him from the said Court) by his arguments in favor of Herbert so far prevailed with the Court that the motion was denied and judgment given against the Casual Ejector. The Solicitor General thereupon prayed an Appeal to the Chief Governor, which the Court shewed an inclination to grant, but Col. Codrington rose from the Bench and declared openly that, if the Judges granted any such appeal, he would not hear it, whereupon it was denied, and your Petitioners were thereby deprived of the common privilege of your Majesty's other subjects residing in the Islands, and wholly left remediless unless by an Appeal to your Majesty in Council. Upon the denial of petitioners' appeal, William Mead, by his Counsel, prayed an Appeal from the said judgement as tenant, which after some time was granted and recorded according to the methods of proceedings in the Court. Yet Herbert's Council the very next day moved the Court that a writ of possession might be immediately granted on the said judgment, and

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informed the Court that the Governor had ordered him to demand it, and added that if they denied it, he would acquaint the Governor therewith, which threats so terrified the Court that, although the motion was irregular after an Appeal granted, which in course of Law supercedes the Execution, and also contrary to the practice of the Court, which always allows four days after judgment before execution can be sued out, yet the Judges being, as Petitioners believe, awed by those threats, immediately granted the same, and under colour thereof the Provost Marshal the same day turned Petitioners' tenant out of possession of the Plantations, on which he then had and now hath a crop of sugar-canes growing worth 3,000*l*. *Pray that their Appeal may be heard and that the Governor and all concerned be ordered to transmit authentic copies of proceedings and papers etc.* 3 *pp.* [*C.O.* 152, 4. *Nos.* 61, 61.i.; and 153, 7. *pp.* 307-312.]

Dec. 18.
Council
Chamber,
Whitehall.

1090. Order of Council. Referring the enclosed petition to the Council of Trade and Plantations to examine and report upon. *Signed,* Edward Southwell. *Endorsed,* Recd. Read Dec. 23,

1701. $\frac{1}{2}$ *p.* *Enclosed,*

1090. i. Copy of Petition of William Mead to the King. *Repeats case abstracted in preceding, and adds;*—In order that Petitioner's Appeal might be heard before the Governor and Council, and to the intent that he might appeal to Your Majesty in Council, he in a most humble manner petitioned the Governor in what Island of his Government, and when, Petitioner might attend him with his Appeal. He could obtain no answer but that he took the said Petition to be a Libel, with several other improper expressions, with his own hand endorsed on the same, so that it was May 26 before Petitioner could have leave to exhibit his Appeal, and though he hath since used all possible means to have it heard, yet it hath been without effect. From letters received of Aug. 1 he is advised that it was not then heard, neither knew they when it would, altho' all possible endeavours were used by petitioner's Agents. These delays are only used to the intent that Herbert or some under his pretended title may reap the benefit of petitioner's crop on the ground, before petitioner can regularly reverse the judgment by an Appeal to your Majesty, which will be to Petitioner's excessive loss, if not his utter ruin. *Prays that H.M. in this extraordinary case would be pleased to order that Petitioner may be restored to his possessions and have liberty to take off and reap the benefit of his crop, he being ready to give security etc.* 3 $\frac{1}{4}$ *pp.* [*C.O.* 152, 4. *Nos.* 62, 62.i.; and 153, 7. *pp.* 301-307.]

1701.

Dec. 18.
Council
Chamber,
Whitehall.

1091. Order of Council. Referring enclosed petition to the Council of Trade and Plantations, for their examination and report. *Signed*, Edward Southwell. *Endorsed*, Reed. Read Dec. 22, 1701. $\frac{1}{2}$ p. *Enclosed*,

1091. i. Copy of Petition of William Freeman to the King in Council. Your Majesty by Letters Patents, Aug. 8, 1699, by the advice of the President and Council of Nevis, granted and confirmed unto petitioner and his heirs all that Plantation called the Manor of Godwyn in St. Christopher's. Petitioner stocked and planted the same to the value of several thousand pounds, and continued quietly possess thereof, until Col. Codrington arrived, May 22 last, when Samuel Crook and Stephen Payne (who pretended to be two Justices of the Peace of the Island, but in truth were not so, and one Robert Cunningham, Col. Codrington's Agent, under pretence of his being Attorney to Lewis de Paqueray, a Frenchman then deceased, who Cunningham pretended was Attorney to Madam de Chambré, a Lady in France, came to Petitioner's Plantation armed with swords and pistols, and then and there arbitrarily and forcibly and without any trial of the title, or due process of law (but upon a pretended conviction by the view of the said pretended Justices, that your Petitioner's Agents forcibly detained the same against Cunningham, grounded upon a most false suggestion that Cunningham was in quiet and peaceable possession thereof) entered and took possession of the said Plantation and turned out John Pogson and Leonard Woodward, petitioner's Managers and Agents. The said pretended Justices by their warrant committed Pogson and Woodward to prison, and by these methods and those false suggestions violently took possession of the said Plantation and of petitioner's stock of canes growing thereon, which are of very great value. Thereupon Pogson, as Attorney and Agent of Petitioner, immediately petitioned Col. Codrington to take cognisance thereof and restore him to his possession, until a better title should appear, or he should be evicted by due course of law, but could obtain no answer. But Col. Codrington immediately took possession of the Plantation for his own use, and now holds and enjoys the same, and openly declares that he will do so, or he and petitioner shall fall and lose their lives. *Prays* that he may have liberty to take off his crop now growing and be restored to his possession until he is evicted by due course of law, being willing to give security, etc. *Signed*, William Freeman. $2\frac{3}{4}$ pp. [*C.O.* 152, 4. *Nos.* 63, 63. i.; and 153, 7. pp. 290-294.]

Dec. 18.
Whitehall.

1092. Council of Trade and Plantations to Governor Lord Cornbury. Upon occasion of our enquiry about the cloathing provided by Mr. Fauconier (as he says) for the soldiers at

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New York, he brought with him to the Board Mr. Daniel Honan, as Secretary to your Lordship, which has surpriz'd us. For as he lies under an imputation of having been one of Col. Fletcher's Instruments whilst he was Governor of New York, in receiving bribes from pirates, granting them protections and committing other misdemeanours, so we cannot doubt but your Lordship has more particularly observed by the books and papers that we communicated to you, how full the proofs which lie before us are ; that he being private Secretary to Col. Fletcher was security with other persons for two of the said pirates upon their setting out to sea ; that those bonds being committed by Col. Fletcher to his custody, he afterwards blotted out his own name in the body of the bonds, and tore off his sign and seal at the bottom, leaving the names and seals of the other bondsmen untouched ; that being examined upon oath by the Earl of Bellomont whether he knew of any money given to or received by Col. Fletcher for such Protections he swore he knew of none, though it was afterwards positively proved to the Earl of Bellomont upon oath that he was present when Col. Fletcher received a Bill of 50*l.* for a Protection granted to one Rayner, a pirate, which was made payable to Honan himself for Col. Fletcher's use, and was accordingly paid. These being crimes of so high a nature, we have thought fit to acquaint your Lordship in this manner with our sense thereof, and further do recommend to you that in case Honan do come to New York, he be not protected by your Lordship from any prosecution for these or other matters. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 1119. *pp.* 36-38.]

Dec. 18.

1093. Solicitor General to the Council of Trade and Plantations. I have considered the Act of Antegoa, to enable Henry Pearne to alien the Plantation called Blubber Valley, and have heard Council on behalf of the heirs of John Lingham, who oppose the confirmation of it, and insist that Catherine, the wife of John Lingham, was, before her marriage to him, seized in fee of the said Plantation, and that after her marriage, being minded to settle it on her husband, did with him by deed of feoffment etc. recorded in the Register's Office of the Island, Aug. 10, 1681, convey it to Rowland Williams and his heirs who, by a subsequent deed, conveyed it to John Lingham and his heirs, which they affirm was the only method at that time in that Island for a femme covert to convey her estate, and that the registering of the deed as aforesaid was equal in that Island to a fine in England ; and that John Lingham died intestate about 15 years since, whereby they insist that the Plantation ought to descend upon his sisters and co-heirs. I have likewise heard Councill on behalf of the Act, who insist that the deeds or the registry thereof did not at all convey the estate of the said Catherine, and that the validity of these deeds hath been already tried in that Island, for that after the death of John Lingham, the tenant in possession refusing to pay his rent to Catherine, on pretence she had conveyed away her right by the said deeds, she delivered declarations in

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ejection on the said premises and recovered judgment and possession thereupon, and that she and her heirs have continued the possession ever since. Henrietta Warner in the Act named was heir-at-law to Catherine and was well entitled to make the settlement mentioned. They likewise insist that the Act doth not bar the heirs of John Lingham in case they have any right to the premisses. Upon the whole, I am of opinion that the said Act is reasonable, and, if confirmed, it will not prejudice the title of those claiming under Lingham, there being a clause in the Act to save the right of all persons not parties to the settlement made by Mrs. Warner, and this Act only breaks that settlement, and the design of the Act being to improve the Plantation, those claiming under Lingham will reap the benefit of the same, whenever they shall recover it, if they have any title thereunto. *Signed*, Jo. Hawles. *Endorsed*, Recd. Jan. 16, Read July 16, 1702. 2½ pp. [C.O. 152, 4. No. 68; and 153, 7. pp. 494-497.]

Dec. 18.
Council
Chamber,
Whitehall.

1094. Order of Privy Council, that the Council of Trade and Plantations send to the Governors of Plantations for an account whether the Courts of Admiralty there are held by virtue of the power given to the said Governors by the Commission they receive from the Lords Commissioners of the Admiralty, or by virtue of a clause under the Great Seal empowering them to erect the said Courts. *Signed*, Edward Southwell. *Endorsed*, Recd. Dec. 18, 1701. Read January 12, 170½. 1 p. [Board of Trade. Plantations General, 5. No. 108; and 36. pp. 34, 35.]

Dec. 20.
Whitehall.

1095. Council of Trade and Plantations to Governor Lord Cornbury. We have read your Letter to our Secretary dated the 16th instant, by which we expected an answer to the two particulars first refer'd to your Lordship, vizt. What part of the cloathing was on board the *Jersey*, and what part on board any other ship; Which not having received, Mr. Champante will in pursuance of the order of the Treasury provide the whole cloathing, and dispatch it by land to Portsmouth to be put on board the *Jersey*. However your Lordship's departure to your Government being so absolutely necessary, we pray your Lordship would make all expedition to be gone thither, without staying for the said cloathing, because care will be taken (in case your Lordship be sailed) that it may be sent by the first succeeding opportunity. We further recommend to your Lordship that immediately upon your arrival at New Yorke, you do, with the assistance of the Council, examine into the state of the four Companies, as to their numbers, fitness for service, and state of their cloathing and of their arrears, and give us an account by the first conveyance. *Signed*, Stamford, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior.

P.S.—We have inclosed the Minutes of all that is material of what has been done at this Board for your Lordps. full information. [C.O. 5, 1119. pp. 40, 41.]

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Dec. 20.

On board the
Jersey at
Spithead.

1096. Governor Lord Cornbury to Mr. Popple. Yesterday I received your letter of the 17th. I contracted with Mr. Stamp and Mr. Fauconier in July last, I think about the beginning. About the middle of September the goods were delivered to me, and I ordered them to be carried to a friend of mine in London, on whose care and fidelity I could depend, and whom I trusted with a great part of my own things, as well those that are now on board the *Jersey* as those that are to come in the Transport ships, so that I cannot give a positive answer whether those goods or any part of them were shipped on board the *Jersey*, or not, for I have not opened any of the goods that are on board, and because many of my own goods were shipped off by the same person from other places then my own lodgings for some private reasons which relate to myself only, but which their Lordships shall be informed of, if they please to command it. I cannot tell if they were entered at the Customhouse because I depended on my friend's care who I knew would do what was fit. The clothiers delivered them to me packed up. If I had thought these questions could ever have been asked, I would have kept such notes by me as would have enabled me to answer every particular to satisfaction, and as I doe in all things which I think of moment; indeed I did not think this of that nature or weight, because I was Colonel of a Regiment of Dragoons some years, in which I clothed that Regiment two or three times, and in all that time I was never asked any questions of this nature. Nor doe I find that the Earl of Bellomont was asked any such questions in 1697. I have written to my friend for a particular answer to the several queries. I know very well that I must be answerable for those goods, not only to the souldiers, but to those I had them of, if they are not suffered to goe on with the rest of the cloathing, which I submit to their Lordships' pleasure. *Signed*, Cornbury. *Endorsed*, Reed. 23rd, Read Dec. 31, 1701. *Addressed*. 2 pp. [C.O. 5, 1047. No. 17; and 5, 1119. pp. 49-51.]

[Dec. 20.]

1097. Mr. Heathcote's proposal for having a Militia in New York. If his proposal for providing the Royal Navy with masts and Naval stores shall be accepted of, then the hands to be employ'd in that work (to make them more serviceable to the Crown and save the expence of regular troops) may at spare times be constantly exercised in feats of arms, wh. in respect of Guards to the Country will be much more easy and be kept fuller, having always 200 to mount the Guard, whilst the rest are employ'd in providing the Stores. *Endorsed*, Reed. Read Dec. 20, 1701. Communicated to the Board from the Bishop of London. $\frac{1}{2}$ p. [C.O. 5, 1047. No. 16.]

Dec. 20.

Whitehall.

1098. Journal of Council of Trade and Plantations. Letter from Lord Cornbury, Dec. 16, read. Answer, with extracts of Minutes of the 17th, returned.

Mr. Blathwayt communicated a paper from the Lord Bishop of London, relating to a proposal made by Mr. Heathcote for settling a Militia at New York to be employed in providing Naval Stores, which was read.

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Letter from Lt. Gov. Bennet, Aug. 28, read, and enclosed papers laid before the Board. Their Lordships resolved to take the enclosed Act of Bermuda, to prevent oppression and extortion of officers, into consideration the first convenient opportunity, and meanwhile gave some directions towards preparing an answer to the Governor. [*Board of Trade. Journal, 14. pp. 245-247.*]

Dec. 21.
Hampton
Court.

1099. Order of King in Council. Repealing, for the reasons set forth by the Council of Trade and Plantations (Nov. 20), Acts of Nevis, for confirming titles of land, and for the Militia to meet and exercise every month. *Signed*, Edward Southwell. *Endorsed*, Recd. 7th, Read Jan. 12, 170 $\frac{1}{2}$. 1 $\frac{1}{4}$ pp. [*C.O. 152, 4. No. 66; and 153, 7. pp. 336-338.*]

Dec. 21.
Hampton
Court.

1100. Order of King in Council. Confirming the Acts of Nevis recommended by the Council of Trade and Plantations (Nov. 20). *Enumerated. Signed*, John Povey. *Endorsed*, Recd. 7th, Read Jan. 12, 170 $\frac{1}{2}$. 1 $\frac{1}{2}$ pp. [*C.O. 152, 4. No. 67; and 153, 7. pp. 334-336.*]

Dec. 21.
On board the
Jersey at
Spithead.

1101. Governor Lord Cornbury to the Council of Trade and Plantations. Yesterday I had the honour of your Lordships' letter of the 18th. Mr. Daniell Honan was intirely a stranger to me till July last, then indeed he was recommended to me to be my Secretary by persons of very great honour and worth. I took him upon their recommendation, and have since employed him in businesse at the Treasury, Admiralty, Navy, Ordnance, Customs, and at my Lord Chamberlain's office, and never heard anything alledged against him; I farther take the liberty to inform your Lordships that among the many books and papers you gave me leave to look into, relating to the Government of New York, I did not see those in which the proofs again[st] Honan are contained; this I look upon as a misfortune to me, for had I seen them, he should not have remained one hour in my service. I return my humble and hearty thanks to your Lordships for the favour you have done me in giving me light into this matter, else I might very innocently have carried along with me a man soe obnoxious as I find this Honan is, and which I am sure I shall not doe now, for this very post I have sent orders to dismiss him from my service. Your Lordships may be sure that I shall not protect Honan, nor any other person whatsoever, from any just prosecution for any crime, and I intreat your Lordships to do me the justice to believe that noe private interest of my own can prevail with me to connive at or encourage any crime whatsoever; but that I goe possest with a resolution to use my utmost endeavours to discover all things of that nature, that the persons who are guilty of them may receive the rewards due to them. *Signed*, Cornbury. *Endorsed*, Recd. 26th, Read Dec. 31, 1701. 2 pp. [*C.O. 5, 1047. No. 18; and 5, 1119. pp. 52-54.*]

Dec. 22.

1102. Governor Lord Cornbury to the Council of Trade and Plantations. I had the honour of your Lordships' letter of

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the 20th yesterday. As soon as I had received your letter I acquainted the Captain that we must sail as soon as the wind will permit, whereupon he immediately loosed his foretopsail as a signal for sailing and to call those few men on board, who were on shore, and your Lordships may depend that the first breath of wind that offers we will make use of it to make the best of our way; and as soon as I doe arrive at New York, I will take care to transmitt your Lordships an exact account of those things your Lordships desire. *Signed, Cornbury. Endorsed, Recd. 16th, Read Dec. 31, 1701. 2 pp. [C.O. 5, 1407. No. 19; and 5, 1119. pp. 55, 56.]*

Dec. 22.
Williams-
burgh.

1103. Mr. Larkin to the Council of Trade and Plantations. I have now wayted near upon a fortnight for the Governour of this Colony, who is gone into Maryland, and no one can tell when he will return, neither hath he left any person to command in his absence. As to the making any observations worthy of your notice, it's a matter that requires both time and expences, for I meet with very few that can give any tolerable account of the affairs of the Plantations, altho' they have lived there many years, and indeed whoever is employed upon such an occasion should be empowered with an order to peruse the records of every particular Government, and liberty to inspect the Council and every public officer's books, which would give him a very great insight into matters. It's what I have endeavoured in every place I have yet been to make any stay, but never could obtain that favour, for the people of the Plantations seeme to be a little jealous of those liberties and privileges they now enjoy.

Governors of the Plantations have been very arbitrary; some they have imprisoned and others they have forced to leave the Government for opposing their interest, and have ruined several upon very light pretences, for want of some easy way to represent their aggrivances to England. If therefore a good regular settled constitution of Government should be thought fit to be established, and a declaration of what Laws the Plantations shall be governed by, for at present they are very much in the dark, with a due and impartial administration of Justice according to those Laws, it would contribute to make the people more easy then they now seem to be. I have in the course of my travels stept into some of their Courts of Judicature, where matters are very strangely managed, and the practitioners that do understand anything of the Laws do impose very much upon the Justices, who for the generality are very little skilled in matters of that nature, and makes a great many choose to sit down losers rather then go to Law. An ingenious gentleman learned in the Laws for a Chief Justice, another [*? for*] an Attorney General, as at New York, would doubtless be of service [*? in*] Virginia and Maryland, tho' perhaps some would not be very well pleased with it, for the people of this part of the world are very opiniative, but so far from being polititions that they would not parte with five shillings one yeare to save five pounds the next. Here is no Chancery nor Eccles[*ias*]ticall Government, which is the reason of some of

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the Gentlemen sent over by my Lord of London being used very scurvily by the Vestry men, who pretend to be Patrons, frequently displacing them without committing any fault, which is a very great discouragement to the Clergy, but indeed there is no encouragement for any person to come and settle in the Plantations, all or greatest part of the lands that lye anything convenient being taken up, some persons having tracts of land of 20, 30, or 40,000 acres, and great part of it unimproved. It's true, I believe, the King hath his quit-rents for it, but the Custom of a hogshead of Tobacco being as much as the quit-rents of 10,000 acres, it may be considered whether for every thousand acres patented, the persons that hold it ought not to be obliged to keep a certain number of hands, for people are very much wanting, but then servants should have a little more kind usage from their masters, for a man had really better be hanged then come a servant into the Plantations, most of his food being homene and water, which is good for negroes, but very disagreeable to English constitutions. I have been told by some of them that they have not tasted flesh mate once in three months. When their time is expired, according to custom they are to have a certain allowance of corn and clothes, which in Maryland I think is to the value of 6*l.*, but in Virginia not so much, to save which a Planter about three months before the expiration of a servant's time will use him barbarously, and to gain a month's freedom the poor servant gladly quits his pretensions to that allowance, which drives a great many of them into the Proprietary Governments, where their labour is of little benefit to the Crown. *Signed*, Geo. Larkin. *Endorsed*, Reed. June 8, Read July 22, 1702. 2 *pp.* *Annexed*, 1103. i. Abstract of preceding. 1 *p.* [*C.O.* 5, 1312. *Nos.* 22, 22.i.; and 5, 1360. *pp.* 203-207.]

Dec. 22.
Whitehall.

1104. Council of Trade and Plantations to Lt. Governor Partridge. We have received yours of Aug. 15, Sept. 8 and Oct. 13. In relation to the Acts enclosed with the second, we must acquaint you, as we have formerly done the Earl of Bellomont, that the Laws of New Hampshire in general doe appear to us to be in so great disorder that we are not able to lay any opinion upon the whole before H.M. for his approbation or disallowance. And we therefore require you with all convenient speed to send us a compleat collection of all the Laws in force there, that we may report thereupon. What you write in your last letter in relation to Mr. Usher will be taken into due consideration as there shall be occasion. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. [*C.O.* 5, 910. *pp.* 153, 154.]

[Dec. 22.]

1105. Mr. Champante to the Council of Trade and Plantations. Some reasons against sending the cloathing to be now provided for the soldiers at New York, unmade. *Endorsed*, Reed. Read Dec. 22, 1701. 1 *p.* [*C.O.* 5, 1047. *No.* 20; and 5, 1119. *pp.* 41, 42.]

1701.
Dec. 22. Treasury Chambers. **1106.** Wm. Lowndes to Mr. Popple. My Lords of the Treasury have no objection but that the person who furnishes the cloaths to the Four Companies in New York may receive from the Earl of Ranelagh the offreckonings of those Companies (reserving sufficient to discharge the cloathing already furnished), till the said new cloathing be fully paid for. *Signed*, Wm. Lowndes. *Endorsed*, Recd. Read Dec. 23, 1701. *Addressed*. 1 p. [C.O. 5, 1047. No. 21; and 5, 1119. p. 43.]

Dec. 22. Whitehall. **1107.** Council of Trade and Plantations to the King. In obedience to your Majesties commands upon the respective Petitions of Mr. Edmund Jennings, Mr. William Spencer and Mr. William Bird, for the place of Secretary of Virginia, vacant by the death of Mr. Ralph Wormley; we humbly represent, that Mr. Edmund Jennings has for several years past, (during Mr. Wormley's infirmity) taken care of and executed the duty of Secretary as Deputy to Mr. Wormley, no objections having come to our knowledge, either against his capacity or honesty. That the Father of Mr. William Spencer did for many years enjoy that employment, which the son now petitions for, and continued in it till his death, and that the petitioner's education had been such as may very aptly qualify him to execute the office. That Mr. William Bird is a native of Virginia, son of one of the most eminent of your Majestie's subjects in these parts; that he is a person of a general good character, of unblamable conduct and known loyalty to your Majesty and your Government, and having had the advantage of a liberal education and knowledge in the Laws of England, he may be very fit to serve your Majesty in the station which at present he desires; we humbly add, that in case your Majesty be pleased to nominate Mr. Bird, or either of the other two persons as Secretary, he may be obliged to actual residence at your Majesty's town of Williambourg, it being for the good of the Colony and your Majestie's service. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Mat. Prior. [C.O. 5, 1360. pp. 98-100.]

Dec. 22. **1108.** Journal of Council of Trade and Plantations. Representation as to the Secretary of Virginia signed.

Letter to Lt.-Gov. Partridge signed.

Letter from the Board of Ordnance, Nov. 22, read.

Order of Council, Dec. 18, with Mr. Freeman's petition read. He being directed to prepare what proof he could make of the matter of fact by affidavit before a Master in Chancery, said he would endeavour it, but desired withal that a day might be appointed him to be heard, and that Mr. Cary and Mr. Hutchinson (Agent for Col. Codrington) might be directed to attend at the same time, in order to offer what they may have to say in Col. Codrington's behalf. To-morrow sennight appointed accordingly.

Mr. Champante presented a Memorial about the soldiers' clothing, which being read, and their Lordships being apprehensive lest his proposals might occasion too long a delay, he

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was directed to consider and enquire further what possibility there may be of dispatching clothing so that it may be sent by the *Jersey*, and to return an answer to-morrow morning.

Dec. 23. Mr. Champante's reply read, and their Lordships forwarded it with their recommendation to the Treasury.

Letter from Mr. Lowndes was afterwards received, read and communicated to Mr. Champante. Ordered that a copy thereof and of their Lordships' letter be delivered to him. He was desired to lay before the Board copies of some affidavits which he had mentioned as having received from New York relating to the clothing sent thither from Jersey and Guernzey.

Order of Council, Dec. 18, with Mr. Mead's petition, read.

Order of Council, Dec. 18, with Mr. Shipman's petition and appeal, read.

Mr. Mead, who brought both the aforesaid orders, was ordered to attend on the 31st with such affidavits as he may be able to produce in proof of the matters of fact set forth in both the petitions. Mr. Cary ordered to attend at the same time on Col. Codrington's behalf.

Order of Council, Dec. 18, with Capt. Norton's petition, brought to the Board by Mr. Cobb, the Solicitor, read.

Directions given for preparing a Representation wherewith to lay before H.M. the draught of a Commission and Instructions for the Governor for the Jerseys. [*Board of Trade. Journal*, 14. pp. 247-253.]

Dec. 23. **1109.** J. Champante to the Council of Trade and Plantations. Enclosing details of charges for a double cloathing to be provided for the soldiers at New York within a fortnight. *Total cost*, 1,858*l.* 6*s.*, "which falls short of the sum total contracted for by Mr. Fauconier 266*l.* 2*s.* 8*d.*, to which if he added the charge of dying and making up, packing and freight, instead of cloathing unmade, undyed and delivered here, according to his Lordship's contract, the whole charges will fall very considerably short." *Signed*, J. Champante. *Endorsed*, Recd. Read Dec. 23, 1701. 1 $\frac{3}{4}$ pp. *Annexed*,

1109. i. Details of above charges. 1 p. [*C.O.* 5, 1047. *Nos.* 22, 22*i.*; and 5, 1119. pp. 44-47.]

Dec. 23. **1110.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Inclosed is a Memorial from Mr. Champante proposing the prices of the cloathing that he will undertake to send for the Soldiers at New Yorke, and the time and manner in which that may be done. Which being the only proposal that lies before us for that service, and the necessity of the Soldiers pressing very much for dispatch, we recommend it accordingly to yr. Lordships' consideration. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*C.O.* 5, 1119. p. 48.]

Dec. 23. **1111.** William Popple to Richard Cary. The Lords Commissioners for Trade and Plantations have ordered me to send you
Whitehall.

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the inclosed copy of Major Freeman's Petition to H.M., complaining of proceedings in St. Christopher's, relating to a Plantation in that Island called the Mannor of Godwyn ; Which petition is by Order of Council of the 18th instant referred to their consideration. And their Lordships having thereupon appointed Major Freeman to lay before them what proofs he may have to make good the matters of fact set forth in the said Petition, on Tuesday the 30th instant, in the morning about ten o'clock, they have further directed me to give you this notice thereof, and to desire you to communicate the inclosed to Mr. Hutchinson, and both of you to attend them at the same time, in order to offer what either of you may have to say in Colonel Codrington's behalf. [*C.O.* 153, 7. *p.* 295.]

Dec. 23. 1112. Journal of Assembly of Barbados. The House being met waited on the President and Council to know the occasion of their call. The Speaker reported that the President and Council had desired that some effectual care may be taken to prevent the danger that seems to be intended by a design and plot of negroes ; also that due care may be taken to appoint good watches for guarding the respective towns, and for providing for levying them by a sufficient authority ; also that the Act for the prevention of trading with negroes be taken into consideration for the renewing or reviving the said Act ; also that some care may be taken to place the powder now in the magazine in some more safe places of the country ; also that the relief of the poor in the several parishes be considered ; also that a small vessel be fitted out as a cruiser.

Resolved, that the Act for preventing the trading with negroes be revived for three months. Bill ordered to be prepared accordingly.

The Agent's letter read, with a paper relating to the King's Instructions from Thomas Hodges, which was ordered to be laid by for further consideration.

Act to revive an Act to prohibit the inhabitants from employing their negroes and other slaves in buying and selling, read and passed.

Bill, for the effectual appointing good and sufficient watches for guarding the respective towns, ordered to be brought in.

Resolved that the President and Council be desired to order the Churchwardens of the Parishes to lay a list of the poor before this House at ye next sitting, both of their numbers and their wants, and that the Churchwardens in the meantime may provide for them. [*C.O.* 31, 6. *pp.* 443, 444.]

Dec. 27 1113. Lt.-Governor Hasket to the Council of Trade and
New York. Plantations. This humbly begs leave to inform your Lordships of the most barbarous usage that hath been lately heard of by a much worse sort of Pirates than inhabite the Island of Madagascar ; For at Providence the Dayly Study and Practice is Treason, Robbery, Rebellion and Murder, the last of which I very nearly escaped, being wounded very much ; the manner of

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taking me is in the inclosed Information given on my Oath here, and I presume to assure your Lordships that the only reasons of their Rebellions and Robberies are as followeth. The week after these persons had seized me, the Courts were appointed for the Tryal of several of the persons following for the Crimes herein mentioned, Viz. : John Graves, the Collector, for granting false Certificates, and actually defrauding H.M. of severall hundred pounds received for H.M.'s Duties and Customs, the same being proved by three several Evidences, with several other misdemeanours of a very high nature, which I shall further inform your Lordships of on my arrival in England; Read Elding for being guilty of Pyracy on the high sea several times, as also for forceably taking away the wife of Major Trott, during the time he was Deputy Governour of the said Islands, and wounding and imprisoning him on his requesting his Wife from the said Elding; A further reason of the said Elding's Rebellion is, his sloop was seized and condemned in the Court of Admiralty for loading Fustick, and carrying the same to Saint Thomas, contrary to Law and his Bond given. This seizure very much disturbed the said Elding, by reason no Governour or officer dared to seize or meddle with anything that belonged to this Elding, his power is so great amongst the Rabble; Ellis Lightwood upon a forfeited bond of five hundred pounds due to the King. The condition was that if Captain Bridgman *alias* Avory [*Every*] should be proved a pyrate within a year and a day, the said bond should be paid, and the said Avory should be delivered up to Justice; it happened that soon after the said Avory came into Providence by consent of the Governour and others, H.M.'s Proclamation arrived, which proclaimed him a pyrate, with his ship's crew, yet the said Elding contrary to the said bond and H.M.'s Proclamation purchased a ship for the said Avory and seventeen or eighteen of his Crew, and conveys them off of the said Island, receiving of the said pyrates sundry goods and merchandizes for his so doing. Another thing, my Lords, that moved the said Lightwood to this Rebellion, was; Three days before they most barbarously seized me and my estate, the said Lightwood had a sloop arrived from St. Thomas's Island with cacao, sugar and sundry other goods and merchandizes to a great value. The Master of the said sloop on his oath, with a passenger, declared that he loaded Tobacco on board at Barbados and sold the same at Saint Thomas's, contrary to the several Acts of Trade. Upon which I seized the said sloop, but before she was condemned, these villains seized me and mine, with the said sloop, and all her rich lading; So that, my Lords, my justly and honestly putting the King's Laws in execution, were the cause that I very nearly escaped being executed myself—This Lightwood is now made Captain and Cheif amongst them for his good service, as they call it, done them in defending and maintaining their Ancient Customs and Priviledges. John Warren sides with them for the same reasons with Lightwood, giving bond for severall Pyrates and conveying them away contrary to the King's Proclamation, and so forfeiting his said bond, and many other things too tedious

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to trouble your Lordships with now ; So with humble submission do beg your Lordships' patience, untill my arrivall in England, to which place I shall make all dispatch I can by way of Boston ; And untill my arrivall in England, pray leave to inform your Lordships the method of the Providence people's proceedings, which are : After their sending me with a Guard of ten men, Read Elding's Brother, the Cheif of them, down to a small house five miles out of the said Town, with my Wife and Sister, where they kept me six weeks in irons with the said Guard, keeping my wife five Weeks of the time a prisoner, not suffering her to go to Town, nor to see any of her acquaintance, nor to write to them nor have any communication with them ; during all which time they kept possession of all I had, sharing of it and disposing of the same as they thought most proper for their purpose, taking up all their forfeited Bonds, and all the Evedence I had against the said Parties, with all other Bonds, Bills, Commissions, Instructions and all other writings whatsoever, with all my Estate of what kind soever, as is mentioned in the Information inclosed, at the same time imprisoning the Judge of the Court of Admiralty, and the Judge of the Court of Common Pleas, the Secretary and sundry others, and keeping the same untill they were almost starved before they let them out of prison, and when taken out, forced them to swear to them that they should not put pen to paper to write to your Lordships anything relating to that barbarous act done to me, which oath was forced unto them with pistolls at their breasts. When they had done this, to secure their selves, about eight of the Rebels constantly met together for a month to make some Articles against me in order to have a pretence for what they had done, and for the better strengthening them, got severall of their Confederates to swear to them ; What they are, yet I know not, but am well satisfied I have done nothing contrary to Law, but have been carefull in putting all H.M.'s Laws in execution. When they had done this, they forced me on board a small ketch, where they put me in irons, keeping my wife and sister still prisoners, suffering me to bring no more clothes than what they put up and sent on board. In which ketch I continued untill I came to New York, but most barbarously treated by Graves, who did contrive severall times to murder me, but it pleased God to prevent him ; He hath sworn to be true to the Rabble, for which he is sufficiently paid out of the plunder which was considerable, I removing my interests from Barbados, so that when I came to Providence, I brought between three and four thousand pounds, which was more than all the Governours before me brought, besides the full parts of several seizures belonging to H.M., which was very considerable ; all which was taken from me, save a small matter I tied round my middle, when I came on board, which Graves knew nothing of, if he had, I had not brought a farthing with me. They also hindred me from any servant to wait on me, neither suffer'd me to bring a Letter, for fear of discovering what they had done to me. I fear I have been too tedious, so beg your Lordships to pardon and excuse me, untill I come before your

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Lordships, at which time shall acquaint your Lordships, with submission, with many more truths relating to the Governments of Providence and Carolina.

My Lords, If John Graves should come to England before me with the said Articles and a Justification of himself, I humbly beg your Lordships to give no credence to him, untill I come to answer the same, Which is the prayer of—*Signed*, E. Hasket. *P.S.*—I have also enclosed the Memorial given in by me to the Governor and Council of New York on my arrival there. *Endorsed*, Recd. April 14, Read May 13, 1702. 8 pp. *Enclosed*,

1113. i. Abstract of preceding. 2 pp.

1113. ii. Governor Haskett to the Lt. Gov. of New York. Some time in Oct. last, James Crawford, John Graves, Read Elding and Ellis Lightwood with some other confederates did combine and seize and remove the Governor from his Government of the Bahama Islands, by first privately seizing on the Fort and Magazine of the Town of Nassau at Providence, soon after the taking of which, a party of the above-named confederates with swords, pistols and other arms went to the Governor's House in Nassau, where he then was, and fired into it, at him, but the shot missing him, one of the Confederates was wounded, by which means they left off firing and betook themselves to their swords, with which they seized the Governor, wounded him in several places and immediately carried him away to the Fort, and there loaded with irons and confined him a close prisoner, and the same night drove his wife, sister and the rest of his family into the woods, and seized upon and took or shared amongst them all his gold, silver, household goods, plate, furniture, merchandize, Commission, Instructions, Bonds, Bills, Mortgages and whatever else belonged to him to the value of several thousand pounds, part of which was the King's money and Lords Proprietors', breaking open doors, chests, trunks etc. to come at the same, and kept possession of the said house and goods till about three or four days before they forced the said Governor from the Island, and brought to him some of his money and jewels, pretending that he owed money on the Island, and that they had brought him that money to pay his debts, but denied him his wearing apparel unless he would give them a sum of money, which they forced him, after they had delivered the same to him. The said Rabble kept the Governor a prisoner in irons three days in the Fort, during which time John Graves and others his confederates proposed to murder him, to prevent disturbances thereafter, in his hearing, but could not prevail with the majority of the Confederacy to so bloody an act, but agreed to send the said Governor with his wife and sister (who they also kept prisoners with him) to a small house about 4 miles from Nassau a prisoner in irons, with a guard of ten or thereabouts of

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the Confederates, where they kept him a prisoner in irons, till such time as they forced him from the Island, and also kept his wife a prisoner most of the time, not suffering any of his friends to come near him or write to him, neither suffering him to write to any person, or to have any communication with anybody. About a week after he was seized, the *Providence* galley, Capt. Benjamin Pittman Commander, arrived at Providence, and immediately James Crawford and some other of the Confederates went on board and told the Master that the Governor wanted immediately to speak with him, upon which he went ashore with four mariners. As soon as they landed, some of the Confederates seized Capt. Pittman, his men and boat, and carried them to the Fort, and secured them in prison that day and the next night. Another party went on board the *Providence* galley, and there, with their swords drawn, declared to the ship's crew that they were all their prisoners. In a little time afterwards came on board the *Providence* a man-of-war canoe with fourteen men in her, and took possession of the ship, and carried the sails on shore. Next day about 25 men went on board her and carried her under the command of the Fort, where she now lyes. The Confederates about the same time seized upon a sloop of the Governor's called the *Success*, John Belcher, Commander, lately arrived from Exuma, with all her tackle and furniture, some of which are now on board the ketch *Katherine*, William Lawreir, Master, now lying in the harbour of New York, and were carried on board by order of James Crawford. *Signed*, E. Haskett. *Endorsed*, Recd. April 14, 1702. 2½ pp.

1113. iii. Copy of Minutes of Council of New York, Dec. 18, 1701. *Same endorsement*. 2 pp.

1113. iv. Copy of opinion of Mr. Atwood, Chief Justice of New York, upon the case of Crawford and other persons concerned in deposing Capt. Haskett. The matters sworn against them, with so much as has been confessed by themselves, amount to High Treason, wherein all aiders and assisters are Principals, and therefore bail ought not to be taken. Dec. 27, 1701. *Signed*, W. Atwood. *Same endorsement*. 1 p. [C.O. 5, 1261. Nos. 37, 37.i.-iii., 38; and (without enclosures) 5, 1289. pp. 465-473; and (duplicate of No. iii.) 23, 12. No. 66.]

Dec. 27.
Office of
Ordnance.

1114. Board of Ordnance to the Council of Trade and Plantations. The stores for Jamaica are now being despatched. We enclose an account of the pay of the officers and artificers, for the repaying of which and the charge of the stores we hope your Lordships in Brigadier Selwyn's Instructions has so represented the necessity of it as that the Assembly of that Island may be prevailed with to do it. *Signed*, Ja. Lowther, C. Musgrave,

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J. Pulteney. *Endorsed*, Recd. Read Dec. 31, 1701. 1 p. *Enclosed*,

1114. i. Account of the annual pay of the Officers and Artificers sent for H.M. service to Jamaica. *Amounts to* 1,432*l.* 12*s.* 6*d.* *per annum.* $\frac{3}{4}$ p. [*C.O.* 137, 5. *Nos.* 58, 58.i.; and 138, 10. *pp.* 319, 320.]

Dec. 27.
New York
in
America.

1115. Mr. Broughton to Mr. Popple. The Chief Justice has so much failed my expectations in his behaviour towards me since we left England, that it is not without cause if I am jealous he may misrepresent me at home, to worke some farther advantages to himselfe and some here. But I shall not make complaints till I am driven to it in my own defence. Pray conceal the contents of this letter if there be not the occasion feared to give it publication. I hear from Mr. Weaver that I am ordered to be of the Counsel here; 'tis unexpected, but may be very advantagious to me, and administers comfort to see I have some friends that think on me in my absence. Pray present my humble duty at your Board, and excuse me to your Lords that I doe not address them oftner; as matters are at present, they would only furnish me with grounds of discords and complaints. But when the sceane is changed with us, as is apparently drawing on, I shall not be wanting in duty to them. *Signed*, Sa. Sh. Broughton. *Endorsed*, Recd. 22nd. Read April 27, 1702. *Holograph. Addressed.* 1½ pp. [*C.O.* 5, 1047. *No.* 23; and 5, 1119. *pp.* 95-97.]

Dec. 29.
New York.

1116. Lt. Governor Nanfan to the Council of Trade and Plantations. On receipt of your letter dated in Oct., 1700, with relation to Mr. Plowman, I referred the same to the Council, who have made the inclosed report. This matter hath been delayed here some time in consideration that Mr. Plowman, upon closing his accounts as Collector, fell indebted to H.M., but that obstacle being removed by producing to me a Minute of Council of this Government made during the administration of Col. Fletcher, whereby it appears he hath cleared that debt, I enclose the said Minute. *Signed*, John Nanfan. *Endorsed*, Recd. 14th. Read April 27, 1702. 1 p. *Enclosed*,

1116. i. Copy of Minute of Council of New York, March 31, 1698. *Endorsed*, Recd. April 14, 1702. 1 p.

1116. ii. Copy of Petition of Mathew Plowman to the Lords Justices [*see* May 30]. 1 p. *On back*,

1116. iii. Copy of Report of Council of New York, New York, Dec. 4, 1701. The accounts of Peter de la Noy, who in the time of the late happy Revolution kept the accounts as Collector of this Province, show 75*l.* 16*s.* 10½*d.* currant money of New York is due to Plowman for 51 barrils of beef and pork for candles and goods from Barbados taken from him then for the support of the garrisons of New York and Albany. *Signed*, A. D'Peyster, S. Staats. R. Walters. *Same endorsement.* 1 p. [*C.O.* 5, 1047. *Nos.* 24, 24.i.-iii.; and (*without enclosures*) 5, 1119. *pp.* 113, 114.]

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Dec. 29.
New York.

1117. Lt. Gov. Nanfan to the Council of Trade and Plantations. *Acknowledges* letter of Aug. 14, *with Instructions as to the Flag*. We have had but little of late occurred worthy your Lordships' notice, only a dispute in our City between our two parties relating to the due election and returne of Aldermen for the ensuing year, which has since been determined by several supreme Courts for that purpose. I presume the Chief Justice will be very perticular to your Lordships as well in this as in what else relates to the Judicial proceedings in this Province.

Our Indians are in great temper, and I hope will so continue. I have posted for intelligence of the French designs this winter four understanding men, viz. one in each of the four farthest of the Five Nations, and would have sent some under the pretence of trading to the new French Fort D(e) Trett or Tieughsachrondie built on that tract of land lately given by the Indians to H.M. and in the midst of their beaver-hunting, but the winter setting in there so violent and the journey so long, I could persuade none to undertake it at present, tho' by a French quarter-master lately sent from Quebeck by the Governor of Cannada, and bound for England in order for France in this ship (to sollicite a fund, as he says, to rebuild their seminary there, which was burnt intirely on Nov. 4 last, 'twas 33 year in building, and cost 300,000 crownes),—I am told there never went up more then one party to build and settle that Fort, which consisted of 24 cannoos, with four persons in each, men, with some women and children, so that I cannot see, should there a warr happen, or H.M. orders for their being removed, but that in a seasonable time of the year they might easily be dislodged, which would be of great satisfaction to our Indians, who are now overawed in their hunting by that settlement. *Enumerates enclosures.*

As to what moneys in the Additional Duty Bill they have disposed of to me, as soon as I heard their design, I positively told some of them I neither could nor would take any money till H.M. direction therein, and forbid them naming me any way in the Bill, and indeed I thought they would have observed my direction, till the Bill came up, which was the day before the Prorogation. I found myself named therein, but I believe they thought they could not handsomely bring in others without naming me, tho' I have not, nor will I receive one farthing of it, in obedience to your Lordships' orders, and do hereby renounce all manner of claim or title thereto, and will be willing at any time to give such a formal release as you shall think proper, for I protest to your Lorps. I never had any such designe, knowing very well how to be obedient. The Journal I fear may not be so correctly printed, the carracter being near worne out, and the printer apt to mistakes in spelling. I must pray your Lordships' thoughts on the soldiery in this Province in H.M. pay, that H.M. service and myself may not be ruin'd by non-payments of my bills in London for their subsistance. I assure your Lordships. they receive every week each private man his 3s. 6d. in money, with the addition of 20 per cent., and the officer his proportionably, no manner of stoppage from what the King allows, and I am

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for'd to engage my own fortune for the repayment with charges in case bills should be protested. I and mine wholly depend on your Lordships' favour in this affaire, or we are undone, therefore pray your assistance to Mr. Champante, should he have occasion. I have received a duplicate of the Commission for trial of pirates by Mr. Larkin, with some Acts of Parliament, and have open'd the Court and appointed a Register, with whom Mr. Larkin before he went home left proper instructions. Some time after arrives here a small ketch from Providence bound for England having on board Mr. Heskett, the Governor of them Islands, a prisoner, sent thence by the inhabitants, who had usurped the Government, and form'd one of their own, who found some means in letting his friends in this place know his misfortune; withall accusing some on board with piracy, perticularly one James Crawford, supercargo of the ketch, when as soone as I was acquainted therewith, I sent downe H.M. boat man'd and arm'd and brought her up, after which, upon a formal accusation by Mr. Heskett, I ordered the Attorney General to prosecute said Crawford, who after a full and fair trial was acquitted of pyracy by a majority of the Court (the particulars of which are sent persuant to the Act to the High Court of the Admiralty) on which Col. Heskett gave in a Memorial to myself and Council, a copy of which your Lordships have inclosed with the Minutes thereon, accusing John Graves, Roger Prideux and James Crawford of High Treason, in being concerned in the rebellion in Providence, desiring their being continued here till H.M. pleasure be further knowne. I would have sent them confin'd home to one of H.M. Principal Secretaries of State, but his vessel is so crowded with goods and passingers, that their is no room for them, so must take the next oppertunity. I send your Lordships the Chief Justice's opinion in Law on their case. I cannot omit taking notice to your Lorps. of the diligence of our Chief Justice and Collector, in putting in execution the Laws of Trade without fear or favour, and discouraging the illegal Trade of this place as much as possible. I wonder what Col. Romer means in not comeing hether. I have not as yet been able to procure him, nor know I when I shall. *Signed*, John Nanfan. Jan. 13, 1701. *P.S.*—Since the above was written, the ship has been detained by ice, and Col. Romer, long look't for, come at last. I shall immediately imploy him on H.M. service. Nothing since has occurred worthy of your Lordps.' notice. *Endorsed*, Recd. 14th, Read April 27, 1702. *Addressed*. 7 pp. *Enclosed*,

1117. i. Abstract of preceding. 2½ pp.

1117. ii. Humble petition and address of H.M. Protestant subjects in the Plantation of New York to the King. We having too many reiterated Informations of our being calumniated and misrepresented to your Majesty, with hearts full of grief, loyalty and the highest duty and regard to your Majesty, humbly pray the freedom to acquaint your Majesty that as soon as we knew of your Majesty's happy accession to the Crown, we entertained the joyful tidings with hearts full of alacrity,

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blessing Almighty God for our great Deliverer. And as we cannot still without dread and horror reflect upon the ruin and calamities that were likely to swallow us up, when your Majesty brought us deliverance, so we are influenced with a lively and grateful sense that our Religion and Liberties are in the greatest safety under your auspicious reign. We do assure your Majesty that the divisions and differences that have happened amongst your subjects in this Province were never grounded upon the interest of your Majesty, but the private corrupt designs of some of the Pretenders to your Majesty's service, who had laid hold of an opportunity to enrich themselves by the spoils of their neighbours. The oppressions and hardships we underwent took an end by the arrival of your Government, and during the whole course of the late war, with your Majesty's gracious assistance, we chearfully sustained its burthen, some of us in our persons, and all of us by our purses, and by the fortunate influence of your Majesty's Empire, conserved this your Colony entire from any conquest of the enemy. Being conscious to ourselves of nothing more than an entire affection and faithful adherence to your Majesty's royal person and interest, it was the greatest surprize to find ourselves by the late Earl of Bellomont without reason or colour turned out of all places in the Government, and those generally filled with persons least qualified for their posts, and to add to our misfortune, and evidence the injuries we have suffered, we find ourselves to be branded most unjustly with characters of disaffection and infamy: altho' with all dutiful submission we underwent the first, yet the latter as being an offence to Truth and touching us in our good names, and the interest all faithful subjects ought to have in a just Prince, we cannot but be extremely sensible of. Your Majesty's subjects could not at first foresee the ends designed, but the measures taken were of that nature as to give us just apprehensions of evil, great partiality in appointment of officers, manifest corruption and injustice in all elections, not less than the injurious means used to attain them, but nothing else than abusing your Majesty's glorious name, and, under pretext of your Majesty's service, by the Legislative power to divest many of your Majesty's good subjects of their just rights and possessions, and to share and divide the same amongst themselves and their confederates, with many other sinister, indirect and unjust proceedings, easily to be proved, but too many to enumerate at present to your Majesty, thereby greatly offending your Majesty's good subjects, and tending to render your Majesty's government in these parts scandalous, vile and cheap in the eyes of your people, altho' these methods had long since been determined,

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if they had not lately met with new supports. We humbly implore your Majesty's justice in relieving us from these evils, and take this opportunity of assuring your Majesty that amongst the vast number of mankind who have willingly subjected themselves, and taken shelter under your Majesty's Dominion, none are more heartily devoted to pray for your Majesty's long and prosperous reign over us than, *etc.* Signed, by a large number of signatories, whose names are given in *New York Documents, Vol. IV. pp. 934-939.* The first signatures are W. Nicoll and N. Bayard. New York City, Dec. 30, 1701. 2 large pp., of which the names occupy $1\frac{1}{2}$ pp. Parchment. Obliterated in places.

1117. iii. List of the Major part of the Freeholders and Inhabitants of the Counties of Albany, Ulster and Richmond. The names are given in *New York Documents, Vol. IV. pp. 939-942.* 2 pp.
1117. iv. Humble Address of the House of Representatives of New York to the King, Oct. 13, 1701. As the repeated instances of your Majesty's goodness and bounty towards us draw from us our most sincere acknowledgments, we cannot but hope that the early zeal which the people whom we represent and each of us in particular have expressed for your Majesty's service may induce your Majesty to believe that we shall labour to our utmost to manifest our duty and loyalty, and that we shall be ready to unite with all persons (how much soever we may have suffered from them), who would joyn in your Majesty's service. With this disposition we met in this Assembly, and flattered ourselves we should have found the same in all Members return'd of it, since every man of them joyned with us in presenting our Speaker, and went back to our house seemingly confirmed by the Lt. Governor's excellent speech, recommending unity and unanimity together with a due sense of your Majesty's paternal care over us. The first thing we proceeded upon, as usual, was to consider the objections to the returns of any Members, and there being a general complaint as well as particular information to the house that two were returned in defiance of a late Act of Assembly, we judged it proper that they should withdraw till the circumstances of their case might be considered. But to our great surprize the next morning one of them, who had been ordered to withdraw (an Ancient practitioner of the Law as we formerly had it among us) came at the head of those who had endeavoured to have chosen Speaker, and after they had joyned with us as above, protested they could not sit and act with our Speaker, and by their persisting in it have obliged us to cause new Elections to be made in their steads. Their pretence for which their extravagant proceedings is, that the Speaker is an alien, and that

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they were not aware of it till then, whereas the same objection had been made in the last Assembly, while he was but a private Member, and upon examination of the matter, 'twas reported by a Committee and agreed to by the House, as the fact in truth is, that he is within an Act of Naturalization which passed in this Province 1683, which expressly naturalizeth all persons professing the Christian Religion, except servants and slaves, that were actually inhabitants within the Province at the passing that Act, and should take and subscribe to the Oath of Allegiance without limiting any time for the same. But so it is that some Englishmen by birth, most of which are no otherwise considerable but as they are factors for persons in England or elsewhere, who can withdraw their effects at pleasure, joyning with some merchants of the same extraction with some of us, and with several French Merchants, endeavour to make divisions among us, pretending to set up for an English interest separate from us, who are some of us English by birth, and others have either been born under the English Government, or by being naturalized are entituled to the same privilidges within this Province, and they profess that they will never be quiet till we are made or treated as Aliens. And to effect their design, as we are given to understand, the Members, who withdrew from the Assembly, with some others of their Faction, after they had animated one another at a Tavern, where they continued together most of the night, subscribed a misrepresentation of us, and made contributions among themselves for a considerable summe of money, which they intrust with one Mr. Charles Lodowick, joined in Agency for them with Mr. Montague, an Attorney at Law, by means whereof they propose to themselves to bring the Body of the Proprietors of this Province into subjection to some English, French and Dutch Merchants of this City, who expected to disable us from the continuing an Additional Duty, which expired in May last, and from providing for the defence of this Province in this time of eminent danger. This necessary account of ourselves and our unhappy divisions, which we hoped the moderation of our Lt.-Gov., the wisdom and prudence of William Atwood, Esq., our Chief Justice, and of Thomas Weaver, your Majesty's Collector and Receiver General, might have healed, we lay before your Majesty with all humility and deep sense of your Majesty's goodness to us lately expressed in the sending over of so excellent a person to be our Chief Justice. *Signed*, Abraham Gouverneur, Speaker, David Provoost, Johannes De Peyster, Isaac De Riemer, Gerrit Veg, Henry Fowler, Cornelius Van Brunt, Hendrick Hansen, Ryer Schermerhoorn, Jacob Mutrun, Aidu, Pieter Herring, Andries Hodijemans,

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Johannes Beecher, Cornelius Sebering. Gabriel Ludlow, Clerk to the Assembly. *Endorsed*, Reed. April 14, 170 $\frac{1}{2}$. 5 pp. [C.O. 5, 1047. Nos. 25, 25.i.-iv.; and (without enclosures) 5, 1119. pp. 114-122.]

- Dec. 29. 1118. Lt.-Gov. Nanfan to Mr. Popple. Enclosing the
New York. following. *Signed*, John Nanfan. *Endorsed*, Reed. April 14,
1702. 1 p. *Enclosed*,
1118. i. Minutes of Council of New York. Dec. 18, 1701. 1 p.
1118. ii. Duplicate of preceding. $\frac{3}{4}$ p.
1118. iii. Minutes of Council of New York. Dec. 22, 1701. 1 p.
1118. iv. Minute of Council of New York. Dec. 18, 1701.
Endorsed, Reed. April 14, 1702. 1 $\frac{3}{4}$ pp.
1118. v. Duplicate of No. iii. *Same endorsement*. $\frac{1}{2}$ p.
1118. vi. Minute of Council of New York. Dec. 29, 1701.
Same endorsement. 1 p.
1118. vii. Memorandum of Minutes of Council of New York.
Aug. 4-Sept. 20, 1701. $\frac{1}{4}$ p.
1118. viii. Memorandum of Minutes of Council in Assembly of
New York, Aug. 19-Oct. 18, 1701. $\frac{1}{4}$ p.
1118. ix. Memorandum of Journal of House of Burgesses of
New York, Aug. 19-Oct. 18. $\frac{1}{4}$ p.
1118. x. Memorandum of Acts of New York, Aug. 19-Oct. 18,
1701. $\frac{1}{4}$ p. [C.O. 5, 1047. Nos. 26, 26.i.-x.; and
(without enclosures) 5, 1119. pp. 97, 98.]

- Dec. 29. 1119. Lt. Gov. Nanfan to Mr. Secretary Vernon. *Enclosing*
New York. *Governor Heskett's Memorial*. I understand that the King has
been pleased to appoint my Lord Cornbury to be Governor, and
no provision any way made for me. *Refers to his services in*
procuring grant of country from the Indians, and the passing of
the Additional Duty Bill, etc. If anything should offer I may be
thought capable of, I shall be very proud to accept what H.M.
shall please to bestow. *Signed*, John Nanfan. 3 $\frac{3}{4}$ pp. *Enclosed*,
1119. i. William Atwood to Lt. Gov. Nanfan. Dec. 27, 1701.
Upon the charges in Col. Haskett's Memorial against
James Crawford, Graves and Prideaux, I am of opinion
that the matters sworn against them, with so much as
has been confessed by themselves, amount to High
Treason, wherein all aiders and abettors are Principals,
and therefore by the Law bayl ought not to be taken
for them. *Signed*, W. Atwood. *Copy*. 1 p. [C.O. 5,
1047. Nos. 27, 27.i.]

- Dec. 29. 1120. Mr. Atwood to Mr. Secretary Vernon. I know your
New York. affairs to be so great and of such importance, that I should not
presume to trouble you were it not with a controversy, wch. my
Admiralty Commission has engaged me with the Government of
Boston, for so I must now term it, since a full Council there has
countenanced the proceedings of their Superior Court, wch.,
instead of doing me justice upon my Memorial, have protected
one who has contemned H.M. authority and libelled against

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the judicial proceedings of a Court of Admiralty, and tho' they have not yet come up to the word prohibition, have to the effect of it by terrifying the Marshall of the Court from executing its process.

At Boston and elsewhere within my Admiralty Commission, Marshalls and other Officers have been put in by virtue of Commissions which I never could see, given to Governors, some of which officers live in other Provinces, and others are too depending upon ye people where they live to discharge their duty. At Boston the Marshall is a Custom-house officer keeping a public house, and 'tis certain no process of consequence will be executed there unless some method be taken in England to vindicate H.M. authority. *Signed*, Wm. Atwood. *Addressed*. *Sealed*. 1 p. [C.O. 5, 1047. No. 28.]

Dec. 29.
New York.

1121. Mr. Atwood to Secretary Sir Charles Hedges. My zeal for H.M. service I hope may induce you to give me your protection against a great body of men with whom the Laws of England are far from being in due esteem, they flattering themselves because of the great distance, as one of their Judges did at Boston, when I threatened to complain to England of the indignities offered to H.M. Admiralty Commission. As that with wch. I am honored is under yours, it makes me apply to you, Sir, with the greater assurance, since they who by their Charter are cautioned against meddling with any Admiralty jurisdiction would take to themselves an authority which stops the course of your justice upon appeals. An appeal to yourself or Deputy is threatened upon a sentence which I gave in an Admiralty Court against the ship of one Wake, which imported goods before it had been registered, but in their demand of an appeal they did not know whither to direct it, and no formal appeal being lodged, tho' sentence passed about a month since, I submit it to you, Sir, whether by the rules of the Civil Law any could be received, if otherwise there were ground for one. The pretended ground is that pending an Appeal to the King and Council from the judgment of the Council here, affirming a prohibition from the Supreme Court, I have proceeded to set aside the sentence of a former Judge grounded upon a supposed composition, which had no colour of law. The clause in the Letters Patents, wch. gives such Appeals, provides that they shall not suspend any judgment or sentence; which I take to be a sufficient warrant to proceed in execution of the judgment of the Supreme Court affirmed by the Governor and Council. An Appeal to the High Court of Admiralty is proceeding at the demand of one Capt. Vetch and another, who had the good luck to compound with the Officer at Boston for part of their French wines and brandy; and tho' the like, with tobacco of the growth of one of our Plantations and some East Indian goods were imported here, he expected to have got off by a plea that they were designed from one French port to another, insinuating, but not directly averring, that they were driven in by stress of weather, wch. yet is an importation. However, the plea is so very defective, not

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traversing great part of the charge, that it could never help him, if the matter were otherwise pleadable. The merchants here not liking prosecutions upon breaches of the Acts of Trade, hope to weary the Prosecutors by appeals to England, wch. I hope will receive no countenance; and that 'twill not be expected from a Common Lawyer that he should exactly observe the forms or methods of the Court of Admiralty in England, so that the Law be carefully maintained, wch. while I do to my power, I doubt not but you will afford your protection and favour to, *Signed*, Wm. Atwood. *P.S.*—My son takes leave to present his most humble service, etc. *Addressed.* 2½ pp. [C.O. 5, 1047. No. 29.]

Dec. 29.
New York.

1122. Mr. Atwood to the Council of Trade and Plantations. The superintendency of your Lordships over these parts I hope will excuse my troubling you with long accounts of my proceedings in introducing the Law of England, and preventing those abuses of the Acts of Trade which are too frequent, especially at Boston, wch. is the only place where the Admiralty Commission has been treated with contempt. Indeed the Governor and Council of Connecticut were of opinion that it interferes with their Cha[rter], and that they could not receive me as a Judge there till [they] should consult their Assembly; but I think I left [them] in a disposition to submit to that jurisdiction, yet [one] of their Council being Deputy Collector at New Lond[on, the] present seat of their Government, I expect not to hear from thence of any seizures or informations. And if any seizures are made 'tis very probable that the support which the Superior Court and Council at Boston have given to a Deputy Collector's fraudulent composition will encourage him and others to the like frauds, and [that] they will presume to continue a practice which perhaps obtains in all places hereabouts, except this, of putting the King off with a third of his third, supposing it's in the power of the officer, by taking one third for the whole, to conclude the King and Governor. I doubt not but they who are in the Government at Boston are beforehand with me in their complaint, and may have represented me as a warm man for my public exposing the argument of one of their clergy, who maintained that they were not bound in conscience to obey the laws of England, haveing no representatives there of their own choosing. I cannot but hope that my zeal for the laws and interest of England will ballance their solicitations, and that your Lordships will not only approve of what I have done there to assert H.M. authority among them, but will think of some way of obliging their Superior Court to withdraw the protection, wch. they have given the Deputy Collector against a sentence in the Court of Admiralty, which they not only suffered him to lybel against in very indecent terms, but treated H.M. Commission with indignity, refusing to receive a Memorial wch. I offered as Judge of the Admiralty Court, till they had driven me from the side of the Bench, where strangers generally sit, to be among the Attorneys of their lawless Court, and suffering me to be interrupted by one Hern, who in affront to me, while I was giving sentence in the Admiralty,

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placed himself before me in his night-gown and shaved head without any covering. He was the penner and justifier of the enclosed libel, of which I complain in my Memorial, here submitted to the judgment of your Lordps. Instead of doing me justice upon it, they have continued their protection till ye Court in May next, after a General Council had been held upon it, after wch. they directed ye partie's Council to draw suggestions for a prohibition, a copy of which is promis'd me. 'Tis certain unless some farther authority from England check their proceedings, 'twill be impossible for H.M. Admiralty jurisdiction to have any effect there, since they will pretend to suspend the execution of its sentences as long as they shall think fit to consider of any petition, tho' never so scandalous and impertinent. The opposition which I met with detaining me there for some time while their Superior Court sat, I could not but observe and wonder at their methods abhorrent from the Laws of England and all other Nations, and directed by Acts of their Ass[embly], which give or allow four tryals in every cause, where the evidences are most in paper as cunning men draw [*em*], and as a temptation to perjuries new proofs are adm[itted] at ye later tryals to encounter ye former evidence.

In my last I presumed to mention some of the grounds of my judg[ment] in the Supreme Court for a prohibition and deny[ing] [of] a consultation upon an illegal discharge in a Court of Admiralty of the ship of one Wake, who on the July 17, 1699, had imported hither goods of the value of 7,800*l.* sterl. prime cost, and yet had been let go by one Parmiter, then and still Naval Officer, upon a bond entered into by Wake alone in the penalty of 2,000*l.* conditioned for ye proving that the ship had been registered before that time. The Governor and Council having affirmed the judgment for the prohibition, Wake has appealed home, but the Letters Patents which give the Appeale having provided that such appeal shall not suspend the execution of any judgment or sentence, I have proceeded in the Admiralty, where Wake refused to appear and plead, yet his former Attorney offered several things as *Amicus Curiae*, principally the pendency of the Appeal, and, for evidence that the ship ought to be discharged, produced a letter to the Collector from the Commissioners of Customs, which mentions their having searched the general book of Registers and finding such a vessel was registered in August, 1699, for wch. reason they require him to discharge the ship upon oath made that this was the same then registered, unless *there were other cause*. But if the order had been absolute, it being grounded on a register since the importation, [*this*] as I conceive would not have been any warrant for me to discharge the ship, and I could not but take this to be an undenyable evidence that the forfeiture was incurred, and have made adjudication accordingly. From this they pretended to appeal, but were wholly uncertain in their demand, not knowing whither to direct it, and no formall appeal being lodged according to the rules of the Civil Law, I question whether they could have any effect of an appeal, if there had been ground for one. I have

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since put the sentence in execution, and Wake himself has bought her at a public auction for 700*l.* including 100*l.* allowed for melioration since the forfeiture and a treaty about letting her out.

One Mr. Veche (a Darien Capt. who has married the daughter of Mr. Levingston, said to have made a dismal representation of the state of this Province, in which I dare say there is not a word of illegal trade) is known to have been the person who came off so easily upon the seizure at Boston. He, with one Savin and Mr. Leviston's own son, have had worse luck with another parcel of wines and brandies, with other European goods, and to have imported in a vessel driven into a Bay at the East End of Long Island by stress of weather; the plea, upon which there is a demurrer seeming manifestly defective, I believe I shall have no occasion yet to determine whether this is not an importation within the meaning of the Act, 15 Car. c. 7, but if it be not, I am sure that Act may easily be eluded. And I submit to the consideration of your Lordships, whether to prevent the temptation, wch. men have to venture upon unlawful trade from the opportunities which they have of selling to the French or those of St. Thomas vessels, wch. had unlawfully imported goods, 'twill not be requisite to have a law in England, in such a case, to charge the parties where they can be found; and I submit it to consideration whether, if men may carry to foreign Plantations European goods wch. came not directly from England, 'tis not reasonable some particular provision should be made to prevent that supposed liberty with which unlawful trade is too often coloured and whether, if the vessels or goods cannot be taken, 'tis not fit that the persons guilty should be charged to the value. I must needs think, till otherwise advised, that if the stress of weather or any of H.M. men of war force into port vessels so trading, the vessels and European goods in them will be forfeited within the Statute, 15 Car., which certainly intended to prevent the trading as well as the importation, tho' the seizure and condemnation are only upon the importation. A practice has long obtained to the prejudice of the navigation and trade of England, as well as of this place, for the Merchants at Boston to send European goods hither in their vessels; whereas the Act; 15 Car., seems to intend that they should be brought directly from England to each place where they are imported; but this has hitherto been construed here as if 'twere enough if but once imported to any English Plantation. In this matter I crave the directions of your Lordships. Tho' my zeal for the Laws of England concerning trade has occasioned great clamours, they have been far short of what had been rayseed upon my interposing with the law of England to secure the peace of this miserably divided City, and obliging men, who had been sworn into offices by the new Mayor alone, contrary to the return of the City and the express words of their Charter, to bring their actions upon the returns to mandamus's, and not suffering them to be accounted officers till ye matter should be determined in the Supreme Court. That this might receive no delay, I procured several ordinances

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of the Council for sittings of the Court, and at last have quieted the matter to a general satisfaction or at least acquiescence. And of 3 Aldermen with their Assistants who had been sworn by the new Mayor, after tryals one has quitted his pretension, and the two others have been sworn again according to the Charter upon peremptory mandamus's.

Refers to Governor Haskett's misfortunes. He has since prosecuted for piracy one Crawford, a bold young Scotchman, who had been active in the insurrection, and had goods on board taken out of the Governor's storehouse, and four patereroes and chambers taken out of a vessel belonging to H.M. and him, besides wch. he was one of those who seduced on shoar the Master of a frigot, in wch. the Governor was interested, by means of which the frigot was immediately after brought under the canon of the Fort possessed by men who had seized it in open rebellion against H.M., as I conceive it to be, the Lords Proprietors have ye Government under the Crown of England. Crawford had the good fortune to be acquitted by a majority of the Commissioners by virtue of the late Act and H.M. Commission here; to me it seemed that he himself acted as a pirate, and however being joined in treason with others who committed pyracry in prosecution of their treason, in which all must be principals, was answerable for all the consequents. Tho' he escaped, 'twas unanimously agreed, and so entered, that there was very probable cause for the prosecution. He and 2 of his accomplices are under confinement by order of the Council, the occasion of which your Lordships may observe by the enclosed opinion.

By these matters I have made many enemies, perhaps even more than Mr. Weaver, whose warmth in H.M. service, and great care to prevent irregular trade make many earnest for his removal, of which they think themselves sure upon the coming of a new Governor, with whom they have already laboured to make impressions to his prejudice. As to myself, whatever be the consequences, I hope God will enable me to discharge my duty, wch. tho' it require great pains and application for want of assistance, where I had reason to expect some; at least that ye inactivity of others should not tend to my reproach, I shall go through it with alacrity, if I can but understand that your Lordships approve of the sincere endeavours of, *etc.* Signed, Wm. Atwood. *Endorsed*, Recd. 14th, Read April 27, 1702. *Addressed*. 7½ pp. *Edges torn. Enclosed*,

1122. i. Abstract of preceding. 2½ pp.

1122. ii. Copy of proceedings of the Court of Admiralty against Wm. Payne, Deputy Collector, Boston, Nov. 3, 1701. On Aug. 25 he seized some hogsheads of wine and brandy to the value of 320*l.* imported into Boston by Capt. Vecche in a vessel not duly registered and not laden in England. These he suffered to be embezzled and disposed of into hands unknown, and neither he nor any other officer of H.M. Customs have prosecuted with a view to having the said hogsheads condemned. Informant, Richard Harris, desired the advice of the

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Court and judgment on the hogsheads. Mr. Payne, being supplied with a copy of the above information, appeared next morning, but refused to plead. Ralph Harrison, Comptroller of the Customs, and Wm. Hill, a waiter belonging to the Custom House, were summoned to give evidence next day. The words "not duly registered according to the tenour of the last-mentioned Statute" were allowed as an addition to the Information. Ralph Harrison appearing refused to be sworn; the Judge (Wm. Atwood) committed him to the Marshall for contempt. Mr. Payne appeared again and refused to plead. The Judge offered to admit him Informer, upon another Information against the said wines and brandy, according to his pretended appraisal, but he refused, saying that what he had done was by his own authority, and that he was only answerable to the Commissioners of the Customs. Wm. Hill was sworn in Court. Next day, Nov. 6, Mr. Payne refused to accept the amendment. Henry Franklin, the Marshal, being lame and unable to appear, the Registrar was ordered to take his deposition out of Court. Ordered that Mr. Harrison, notwithstanding his contempt, have leave till next morning to bring his deposition to the Register, or that the Register draw up the same upon application to him. On Nov 7 the Register presented the depositions of Harrison and Franklin. Harrison ordered to be discharged from custody without paying fees. Mr. Payn allowing judgment to go by default, the Court ordered that 17 hogsheads of wine, 2 hhd. and 2 quarter casks of brandy, part of the wine and brandy in the Information mentioned, be condemned and divided into three parts as the Law requires; that Wm. Payne be committed for his contempt, and be not discharged till he produceth the said wines and brandy to be distributed as the Law requires, and is adjudged, unless he pay so much as he shall make appear the said wines and brandy were sold for, deducting what he can make appear to have sent to H.M. use, and that he be not discharged till this sentence be performed. *Endorsed*, Reed. April 14, 1702. 3 closely written pp.

1122. iii. Memorial of Chief Justice Atwood to the Superior Court of Boston, on the petition of the Deputy Collector, Wm. Payne. Nov. 10, 1701. Finding H.M. Admiralty jurisdiction exercised by him insolently lybelled against as an unjust invasion and illegal obstruction of the subject's liberty, H.M. interest and this country's service, in a petition brought into this Court by Joseph Hern, an Attorney of this Court, and so far countenanced that the said lybell has been ordered to be filed as deserving an answer, Mr. Atwood desires this Memorial may be made a Record of this Court.

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See preceding abstract. Mr. Payne without colour of authority suffered or directed an appraisement of the wines and brandy referred to, by persons no ways authorised, and without any writ of delivery, or legal warrant delivered them to the claimant, retaining, as he pretends $\frac{2}{3}$ ds of the appraised value in money, $\frac{1}{3}$ rd for himself and another for H.M., which he says he has transmitted to his use, but sinking (?) another $\frac{1}{3}$ rd due to the Government here. Mr. Atwood finding that in the construction of the Law these goods remained in Payne's hands as a forfeiture to be recovered at the suit of such persons as should sue for the same, and that this matter has been so managed as to encourage men to venture upon the like violations of the Laws of England, and that there had been too great connivance at this practice, upon information brought before him, offered the other Officers of the Customs to be allowed first Informers, upon Mr. Payne's refusing to inform, and they neglecting their duty, that such practices might be prevented, directed a person to inform, who exhibited an Information grounded upon the Act 15 Car. II for encouragement of Trade, and the Act for preventing frauds, both which Acts give the forfeitures in thirds, one to the person who should sue for the same, which by the last Act may be in the Court of Admiralty of any of H.M. Plantations. *Refers to trial and sentence given in preceding abstract.* Which Sentence has in an insolent manner been libelled against in a petition received by your Honours, wherein Wm. Payne, suggesting that your Court is by the Law of the Province invested with all the powers of the Courts of King's Bench, Common Pleas and Exchequer, in England, prays that you will advise upon his false state of the premisses, etc. (*as above*). Which libel being read in Court while Atwood was present, the Court suffered him to be interrupted by Hern, while he, the Judge of the Admiralty, as Judge but not as Advocate, as Hern treated him, complained of the indecency of the expressions in that petition, and would have informed this Court how frivolous and impertinent that petition is. For which he demands satisfaction, and that it be rejected for such an impudent affront as never was before offered in any Court, and that the authors be enquired after and punished, and he hopes the Court will think William Payne justly suffers for his contempt in not pleading and now signing such a scandalous petition. He does not wish to raise a dispute whether the Laws of this Province gives this Court the jurisdiction of the King's Bench, Common Pleas and Exchequer in England in any cases but what are within the Charter, for which particular processes are provided by your Laws, and upon which an appeal lies to H.M.

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in Council, or whether if the Law of England be received here in relation to prohibitions, tho' not provided for by any of your statutes, it will not open a freer course to that Law than you may be willing to allow of. *Offers some suggestions* "to remove all colour from the petition." *Proposes* that the Court recommend the Council to supercede Mr. Payne, that his obstinacy may not occasion any damage to H.M., and hopes he shall be assured before his departure (which his post requires forthwith) that he shall have no occasion to complain to England of being obstructed in the execution of his Commission, and that a public affront to H.M. Admiralty jurisdiction within this Province is countenanced and supported by this Court. Yet if possible to avoid the consequences of any clashing between the jurisdiction of this Court and that with which the said Judge of the Admiralty is invested, since a Prohibition has been talked of and pressed by persons who know little of the Law of England from whence they would derive it, he farther informs this Court that the King's Bench of England never granted a prohibition to the Ecclesiastical or Admiralty Court upon matters in any respect within their cognisance unless a plea, which the Common Law would allow to be good, were rejected, but since Payne has been guilty of so manifest a contempt as above, should this Court after sentence and execution issued out interpose to rescue or shelter him, 'twould assume a jurisdiction which was never executed or pretended to by the King's Bench of England. *Signed*, Wm. Atwood. *Endorsed as preceding.* 3½ closely written pp.

1122. iv. Wm. Atwood to Lt. Gov. Nanfan. Dec. 29, 1701. Opinion upon the case of Crawford, Graves and Prideaux, that they ought not to be admitted to bail. *Same endorsement.* 1½ pp.
1122. v. Copy of Petition of Wm. Payne to the Superior Court, as described in No. iii. above, praying for remedy, and that in the meantime all process out of the Court of Admiralty against petitioner be stopt, and that he may be heard by Counsel before this Court. *Signed*, Wm. Payne. *Same endorsement.* 1½ pp.
1122. vi. Copy of the Minutes of the Superior Court of the Massachusetts Bay, Nov. 4, 1701, on the petition of the Deputy Collector against the Sentence of the Admiralty at Boston (*abstracted in No. ii. above*). Ordered that Richd. Harris be served with a copy of the petition. The Court adjourned to the 10th, when William Atwood appeared and declared Harris to be his man, and that he should not appear to answer the petition, and that he had set up Harris to be informer. Harris not appearing, the Court did advise till the 18th, being to open a Superior Court to-morrow at

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Salem, Wm. Payne being Deputy Collector etc., that H.M. service may not hereby suffer in the meantime. All Officers are therefore prohibited from seizing or restraining his person by virtue of any execution pursuant to the sentence of the High Court of Admiralty, Nov. 7. Nov. 18. The above order was continued in force until the Court take further order. *Attested*, Elisha Cook, Cler. *Same endorsement.* 1 p. [C.O. 5, 1047. Nos. 30, 30.i.-vi.; and (without enclosures) 5, 1119. pp. 98-109; and 5, 910. pp. 197-201; and (Memoranda of letter, and ii., iii., v., vi.) 5, 862. Nos. 86-90; and (duplicates of iii.) 5, 862. Nos. 91, 92.]

Dec. 29. **1123.** Wm. Atwood to Mr. Popple. I must entreat you to make a favourable representation to their Lordships, etc. *Signed*, W. Atwood. *Endorsed*, Recd. 14th, Read April 27, 1702. *Addressed. Sealed.* $\frac{3}{4}$ p. [C.O. 5, 1047. No. 31; and 5, 1119. p. 110.]

Dec. 29. **1124.** Bishop of London to [? Mr. Popple]. I humbly entreat you to make use of your hands to lay the inclosed grievance [No. 906] before your Board. It is of that nature as, if passed unconsidered, will overthrow ye poor infant Church just now set up there: besides I do not think the King is one moment secure of ye Fort there, in case we should fall out with France. For what is to be expected of such a person [*as Capt. Powell. Ed.*], but that he should deliver all up to ye highest bidder.

Let me likewise beg of you to propose that Mr. Pen's Act about marriages may not pass: for it will be impossible for any but Quakers to live where that Law shall prevail. It is Act 25, Oct. 14, 1700.

There is another Act I humbly desire may not pass. It was made at New York, July 29, 1700, for declaring the Town of E. Chester a distinct parish from that of W. Chester. The several Churches are well settled by a former Act, and if this should pass, it would ruine all. *Signed*, H. London. *Endorsed*, Recd. Read Dec. 31, 1701. 1 p. [C.O. 194, 2. No. 53; and (Memorandum only $\frac{1}{4}$ p.) 5, 1261. No. 40; and 5, 1047. No. 32.]

Dec. 29. **1125.** Affidavit of John Goodwin, late Marshall of Nevis, that his kinsman, John Pogson, has been in peaceable possession of the Mannor of Godwin Plantation for some years. *Signed*, John Goodwin. $\frac{1}{2}$ p. [C.O. 152, 4. No. 70.]

Dec. 29. **1126.** Affidavit of William Mead to the same effect as preceding and as to his being turned out. *Signed*, Wm. Mead. *Endorsed*, Recd. Dec. 30, 1701. *Enclosed*,

1126. i. Copy of Mr. Freeman's patent for the Manor of Godwin in St. Christopher's. Approved by the Council of St. Christopher's. Aug. 7, 1699. *Signed*, James Norton, Wm. Willett, Hen. Burrell, Mich. Lambert, John Garnett. *Same endorsement.* $1\frac{1}{2}$ large pp.

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1126. ii. Copy of Warrant for commitment of John Pogson and Leonard Woodward for a forceable entry and detainer. May 22, 1701. *Signed*, Sam. Crooke, Step. Payne. $1\frac{3}{4}$ pp.
1126. iii. Petition of John Pogson, Attorney to William Freeman, to Governor Codrington, praying him to take notice of his forceable dispossession of the Manor of Godwin. May 23, 1701. *Mem.* An answer was promised but never performed. *Copy.* 1 p.
1126. iv. Affidavit of Wm. Mead as to the signature of Jno. Smargin jr. *Signed*, Wm. Mead. Dec. 29, 1701. $\frac{1}{2}$ p. [*C.O.* 152, 4. Nos. 71, 71.i-iv.]

Dec. 29. 1127. Affidavit of Mr. Mead as to the signatures of John Pogson and James Taylor. 1 p. [*C.O.* 152, 4. No. 72.]

Dec. 29. 1128. Minutes of Council of the Massachusetts Bay. Sampson Hegin, Capt. Samuel, Capt. Bomazeen, Shawenes, Nittaumemit and Peaw, with some other Indians, arriving here on 27th, waited upon the Gentlemen of the Council then in Town, at the Council Chamber, with a Message and presents from the Sagamores of the several Plantations of Arrocomecoog, Ammasakimtick, Norridge-wog and Penobscot, within the Eastern parts, and by Sampson Hegin, their Speaker, said, In times of peace friends used to discourse one another, that they were glad to see them well; that they were sent by the Indians to make a path from Merry Meeting to this place; and *laying down a Belt of Wampum at length upon the floor*, said, We have made the Path fair and smooth as this Belt, that we may have news pass betwixt us to hear how things go, and also said that they were much beholden to the Council that they had of late considered them; that what they said and did proceeded from their hearts; that if war should happen between England and France, they would have all calm and quiet in this Land, and would not have it affect them. *Laid down ten Beavers.* Made proposals for supplies to be sent them of provisions and goods for trade.

The Board now made answer, after presenting each of them with a shirt and a blanket.

20*l.* paid to Joseph Beane towards the cure of his hand, almost shot away in H.M. service by the breaking of a gun.

15*l.* paid to Thomas Mitchel for piloting H.M.S. *Gosport*.

400*l.* to 500*l.* of goods ordered to be delivered to Capt. Southack to be carried by him to the Eastward for Trade with the Indians. [*C.O.* 5, 788. pp. 114, 115.]

Dec. 29. 1129. Minutes of Council of New Hampshire. 4*l.* 18*s.* paid to William Partridge.

The complaint of Ichabod Plaisted, Dep. Surveyor of H.M. woods and timber, against Jeremiah Gilman, James Gilman and David Gilman, about cutting down of several trees not surveyed, contrary to the King's Order, was read at this Board, all parties

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appearing. The defendants submitted themselves to the Board, were ordered to pay the charges, 9*l.* 3*s.*, and stand committed till they pay the same. [*C.O.* 5, 789. *p.* 77.]

[Dec. 30.] **1130.** Mr. Hutcheson to the Council of Trade and Plantations. In reference to Mr. Freeman's petition, I have received no information from Gov. Codrington. *Prays that* no Representation be made to his disadvantage till he has first had an opportunity of making his defence etc. This your Lordships will the more easily grant when I have informed you of some things in this case, which I believe the Petitioner will allow to be true, and are generally known to all who have been for any time conversant in the affairs of the Leeward Islands, and which will set the case in a very different light. After the taking of the English part of St. Christophers by the French in the former war, several of the English sold their Plantations to Frenchmen, and amongst others the father of the petitioner sold his to M. de Chambré, or some other Frenchman from whom de Chambré did afterwards purchase, for a certain quantity of Sugar ; as those deriving under the Frenchman's title allege, the whole consideration was paid, but as the petitioner's father did allege, there was only a small part of the consideration paid. In accordance with the Treaty of Breda, 1667, and an Explanation of some part of it relating to St. Christopher's, concluded between Charles II and the French King, Dec. 14, 1668, it was agreed that all the English who had not sold their Plantations should be immediately restored to the possession of them, and likewise those who had sold, on paying back the purchase received, but in case the said purchase was not paid or contracted to be paid within a year and a day after publication of these Orders, that then the English so neglecting should be barred of all future demands against the French, and that such as should remain in the English part of St. Christopher's, taking an oath of fidelity to the King, should be treated with the same favour and equal justice as English subjects. Several Frenchmen enjoyed the Plantations which they had purchased according to the aforesaid Articles, but many if not most of them did afterwards sell to English purchasers, who and those deriving under them have since continued by virtue of that title to enjoy the same. Amongst others, M. de Chambré kept possession of the Plantation purchased as aforesaid from the petitioner's father, claiming it in virtue of the aforesaid Articles, but the petitioner did always disown his title, alleging that only a small part of the purchase was paid, and did thereon make such applications as he thought proper in order to a recovery of the same, but was never able to effect it ; and 'tis true in fact that M. de Chambré did lease the said Plantation at a yearly rent, and that his lessee was in possession thereof until the English part of the Island was taken by the French in the late war, and then the lessee, which was an English, was dispossessed. Thus far I believe Mr. Freeman will agree, but whether there be now any lease or grant from M. de Chambré in being, and whether it has been made before or since the late war, or what else has been done by

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virtue of any power from him since the last taking of the Island by the French, I am not able to inform your Lordships. But from what is suggested in the petition it appears that Cunningham did pretend, by virtue of some title or power under de Chambré, to have been in peaceable possession, and that therefore the Petitioner's Agents had wrongfully taken and did wrongfully detain the possession from him. How this fact really is will appear when both parties are fairly heard. It seems reasonable that those who have been so long in possession should be preserved till evicted by a due course of law. What is said of Crook and Pain being only pretended Justices seems not very probable, being nominated in Col. Codrington's Instructions as two of the Council. But whatever the proceedings were in relating to the forcible detainer, there is a mistake in the petition in setting forth the same to have been for the whole Plantation, for 'tis true in fact that the Petitioner's Agents were then and for above a year before had been only in possession of a divided moiety of the Plantation, and the other moiety in possession of Col. James Norton, who after the obtaining of the Letters Patents, until a division made between him and the Petitioner's Agents, was possessed thereof in common with them, and as to the divided moiety of Norton, there were no proceedings, but the possession without any contest quietly delivered up. It was Norton who procured the Letters Patents in Petitioner's name, and did thereon obtain possession of the Plantation, and by articles between him and the petitioner concluded about the beginning of 1698, and also by further articles between him and Mr. Pogson, Petitioner's Agent and Attorney, 'tis agreed that a conveyance shall be made to Norton and his heirs of one moiety of the Plantation. Upon the whole it seems evident that as to one moiety, the Petitioner has no foundation for his complaint, and as to the other what I have mentioned opens a fair view how the aforesaid Justices may have acted very carefully in convicting the petitioner's Agents of a forcible detainer, and that Col. Codrington has done no wrong in refusing to restore them to a possession legally taken from them. As to the threatening expressions charged against Col. Codrington, I hope and do believe the petitioner is misinformed, etc. *Signed*, Arch. Hutcheson. *Endorsed*, Reed. Dec. 20, 1701. $3\frac{1}{2}$ pp. *Enclosed*,

1130. i. Copy of part of Col. Norton's letter to Mr. Hutcheson relating to his agreement with Mr. Freeman concerning a Plantation in St Christopher's. 1 p. [C.O. 152, 4. Nos. 69, 69.i.; and (without enclosure) 153, 7. pp. 313-321.]

Dec. 30.
Williams-
burgh.

1131. Mr. Larkin to the Council of Trade and Plantations. Since my last the Governor is returned and I have settled the forms of proceedings for trial of pirates here, and am preparing to return to Philadelphia for want of the convenience of a passage from hence to Bermuda or the West Indies, tho' I am very much afraid I shall not be able to get there by reason of the frost. I have not met with any person that hath seen a pirate a con-

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siderable time, excepting one Davy, Master of a small sloop, the *City of James Town*, who about three months ago in his outward voyage to Providence was plundered by a vessel of ten guns. Signed, Geo. Larkin. *Endorsed*, Recd. June 8, Read July 22, 1702. $1\frac{3}{4}$ pp. *Annexed*,

1131. i. Abstract of preceding. 1 p. [C.O. 5, 1312. No. 23 ; and 5, 1360. pp. 208, 209.]

Dec. 30.
Nevis.

1132. Governor Codrington to the Council of Trade and Plantations. My last from Antigua advis'd your Lordps. I was coming down here to hold a General Council and Assembly. The Acts which Mr. Cary will deliver, and which I hope may have the honour of your approbation, will let you know what we have been doing here. There is one wch. relates to myself, wch. with the address that came with it, I beg your Lordships to lay before H.M. The General Assembly were going to have made me a much more considerable present, but I let them know I should hold to my first assurances and accept of nothing beyond a piece of plate as a lasting Monument of their esteem for me. I'm sure I have not been guilty of too much complaisance to win their affections, and have taken more pains to do them good than to please them. The Act relating to the clergy I drew myself, such a one being highly necessary, in many respects, and I gave the heads of that which provides supernumerary arms ; the rest I carefully overlook't and corrected, so I hope your Lordps. will find noe very great absurditys in them. I had proposed some other good Laws to the Council and Assembly, particularly to establish a regularity and uniformity in our Courts of Justice thro' all the Islands, but I could not bring the Deputies of the several Islands to an agreement ; the Antigua people were unwilling to part with their Act, and I would by no means establish it thro'out the Government, as being a very pernicious Act to trade, tho' it has had the honour of your Lordps.' allowance, for the proceedings settled by it are very delatory, and the manner of execution downright roguery. So that our former confusion was infinitely preferable to such a regularity. Sometime or other I hope they will be wise and honest enough to alter it, especially since the people of Nevis are inclined to settle shorter and fairer methods. I have therefore given the Assembly here a short preface, and the heads of such an Act of Courts as yr. Lordships I hope will approve and the Merchants think for their service. This they have promised shall be ready for me in ten days, in which time I hope to be back here agen, for I have been but two days at St. Kits (where I reviewed, exercised and encouraged the Militia) since I came this time to Leeward. I was just going thither when I received the enclosed, which makes me hasten up to Antigua. We have lost a very useful man in Major Martin. Next to Governor Yeomans, I think truly he was willing to take the most pains in public busnes, and was the best fitted for it of any man in the four Islands. I'm afraid he was guilty of some unusual act of severity, or rather some indignity towards the Corramantes, for

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they are not only the best and most faithful of our slaves, but are really all born Heroes. There is a difference between them and all other negroes beyond what 'tis possible for your Lordships to conceive. There never was a raskal or coward of yt. nation, intrepid to the last degree, not a man of them but will stand to be cut to pieces without a sigh or groan, grateful and obedient to a kind master, but implacably revengeful when ill-treated. My Father, who had studied the genius and temper of all kinds of negroes 45 years with a very nice observation, would say, Noe man deserved a Corramante that would not treat him like a Friend rather than a Slave, and all my Corramantes preserve that love and veneration for him that they constantly visit his grave, make their libations upon it, hold up their hands to Heaven with violent lamentations, and promise when they have done working for his son they will come to him and be his faithful slaves in the other world. I am so far from being surprised at what has happened, that I often wonder there are not attempts of the same nature every day. Mr. Gamble, from a concern for his friend, I believe was in a maze when he writ his letter. I think 'tis plain the negroes had noe design on their Mistress or ye rest of the family, or else they would soon have chopt them to pieces, but the account we have lately received of a new plot of the negroes in Barbadoes I believe has helpt to increase the consternation of our people. Your Lordships will find I had reason to complain of our want of small arms, and that there was a necessity of such an Act as I have made, for the arms which are sent us from the Tower are so slight that they are only an expence to the King and noe service to the Islands. I hope I may now persuade the Antigua people to such an Act of Militia as I would have; without more power than I have at present I can neither hope to defend the King's hands or my own honour. I'm sure I have taken more pains abt. the Militia of Antigua than any sergeant of the Guards ever did. It has cost me above 300*l.* in entertainments to the Officers that I might bring them together to learn what they ought to teach those they command, but I can't make arms nor mend them, and I gave your Lordships timely notice and have often repeated to Mr. Cary our great want of small arms. *Signed*, Chr. Codrington. *Endorsed*, Recd. 4th. Read March 10, 170 $\frac{1}{2}$. *Holograph*. 6 pp. *Enclosed*,

1132. i. Abstract of preceding. 2 pp.

1132. ii. Mr. Gamble to Governor Codrington. The relation I am about to give your Excellency is soe surprising and strikes soe deep into my soul that am scarce capable of proceeding further. It was, Sir, on the 27th inst. about 8 in the forenoon that about 15 new Calamantee negroe men belonging to Major Martin came up to his chamber door, fell on him in the presence of his wife, several white men and women belonging to the Plantation, and with their knives and bills barbarously murdered him. *Details*. The intervention of his wife saved him for a moment. Then murderers cut off his head, "which we afterwards took up in the grass, where

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they had washed it with rum, and triumphed over it." I posted away immediately on the news with a few men on horseback, and found all the whites were preserved by a sort of miraculous escape, but the negroes in arms with the Major's guns. One of their out sentinels presented at us, but was shot dead in a moment; the rest ran into the canes before we could come up with them. We have had several parties ever since after them, and have taken two concerned in the murder, besides some others as yet doubtful whether in the combination or not. Were I to acquaint yr. Excellency the commotion this action has made in the country, and the unprovidedness of almost every one on this occasion of surprize, you would be astonished at it; in short there was scarce a man could find a gun, and he that could had neither powder nor ball nor sword. Should an enemy land I have good reason to believe we shall be under the same circumstances, if your Excellency's arrival and a severe Act of discipline upon it prevent not. St. John's in Antigua, Dec. 29, 1701. *Signed*, Geo. Gamble. *Endorsed*, Recd. 4th. Read March 10, 1703. *Addressed*. 2 pp.

1132. iii. Memorandum of Acts passed at a General Assembly of the Leeward Islands at Nevis, Dec. 1701. *Endorsed*, Recd. March 4, 1703. *Slip*. [C.O. 152, 4. Nos. 73, 73.i.-iii.; and (without enclosures) 153, 7. pp. 418-424.]

Dec. 30.
Whitehall.

1133. Journal of Council of Trade and Plantations. Mr. Freeman attended, accompanied with Mr. Brown, and Mr. Cary and Mr. Hutchinson, as ordered Dec. 22. Mr. Brown spoke on behalf of Mr. Freeman, to the effect of his petition, and offered some affidavits in proof of the matters of fact therein set forth. Whereupon Mr. Hutchinson, in order as he said to avoid all needless trouble, declared that tho' he be not instructed in this matter by Col. Codrington, yet being his friend and having some general knowledge of the Leeward Islands, he was ready from thence and from the observations he had made on Mr. Freeman's petition to acknowledge several facts relating to the case and to offer some things that might set it in a different light, and then proceeded to say that he allowed Mr. Freeman did obtain Letters Patents from the President and Council of Nevis for the Plantation called the Manor of Godwyn, and was in possession of one divided moiety thereof at the time of the forcible entry complained of; the other moiety then being in the possession of Col. Norton, Lt. Gov. of St. Xtopher's, who quietly delivered up the same; that he allowed also the proceedings mentioned in the petition to be true, but denied the truth of the suggestion that Cunningham had not formerly been in quiet and peaceable possession of the said Plantation; on the contrary, he affirmed that Cunningham was in possession thereof by virtue of a title of above 25 years standing; and then argued that Cunningham having been forcibly dispossessed by Freeman, the proceedings made by the two

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Justices to restore the possession to Cuningham were right. He further explained the nature of Cuningham's title, by setting forth that about 1664 St. Christopher's was taken by the French and many Englishmen then made prisoners, divers of wch. sold their Plantations to the French, of whom Mr. Freeman's father was one; that by the Treaty of Breda, 1667, and further explanation Articles in 1668, it was agreed that all Englishmen who had sold in that manner should, upon repayment of the price, be restored to their Plantations etc., that Commissioners were accordingly appointed both by the King of England and of France to settle the execution of those Articles; that some French men then sold, and the English purchasers have ever since remained possessors of those Plantations; that other Frenchmen remained possessed of what they had, and became subjects of the Crown of England; that M. or Mme. de Chambré was in this manner possessed of the Plantation in question, and that Mr. Cuningham's possession was under a title from the said de Chambré. But to this Mr. Brown replied that the price of the Manor of Godwyn, contracted for by Major Freeman's Father when he was prisoner with the French, was never paid, or at least but a very small part of it, and that he had therefore always claimed a right thereto, so that the grant made unto him by the President and Council of Nevis was rather to be looked upon as a confirmation and settlement of an ancient title than as a new grant; and he argued that supposing his title were not good, yet he ought to have been dispossessed by some legal proceedings, and not by a forcible entry upon the view of the two Justices of Peace, and therefore insisted that he ought to be restored to possession. Mr. Hutchinson answered that Mr. Cuningham having been formerly quietly possessed of the said Plantation, and forcible turned out by Mr. Freeman, or his Agents, the proceedings of the Justices of Peace upon complaints made by them of that forcible detainer were legal and proper proceedings; and insisted that nothing be done in prejudice of the same otherwise then by due course of Law, nor any censure passed upon Col. Codrington's conduct in that matter until he have first been heard. Mr. Brown delivered to the Board copies of several papers relating to the matter, copies of some of which were ordered to be delivered to Mr. Hutchinson for his answer. Mr. Hutchinson delivered a Memorial and an extract of a letter from Lt. Gov. Norton. Both sides were directed to attend again this day sennight.

Mr. Hutchinson and Mr. Cary moved their Lordships that, in order to their better answering what may be objected to-morrow against Col. Codrington by Mr. Meade, they might have copies of the certificates of the Council and Assembly of Nevis relating to the conduct of Col. Codrington, July 9. Ordered accordingly.

Dec. 31. Mr. Cobb, in behalf of Mr. Mead, and Mr. Hutchinson and Mr. Cary in behalf of Col. Codrington attending as ordered Dec. 23, Mr. Cobb declared that Mr. Mead is sick and desired the hearing might be deferred. Parties accordingly ordered to attend this day sennight.

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Mr. Cobb then desired their Lordships to take into consideration Col. Norton's petition and the order of Council upon it, that he had brought, which being again read, Mr. Hutchinson observed that the petition is not signed; whereupon Mr. Cobb being asked by whose order he presented it, he named Mr. Ball, a Merchant, an Agent for Norton. But Ball, being also present, acquainted their Lordships more particularly that about a year ago Col. Norton did indeed send to him a petition that he might have leave to come for England (quite different from this now in question) but that he had not thought fit to move in it; that he lately received a letter from Col. Norton, dated Sept. 16, signifying that he is now settled in a good Plantation and desiring Ball to desist from petitioning, that Mr. Mead having shewn him some letters from Col. Norton to himself, he delivered all the papers in his hands to Mr. Mead; that he did not direct this petition to be presented, but on the contrary declared to Mr. Mead that he would not be at any charge about it, and therefore supposes it has been done by Mr. Mead's direction. Whereupon Mr. Cobb declared that he desisted from the prosecution of the said petition, and did not desire that any further proceedings should be made upon it.

Letter from the Board of Ordnance, Dec. 27, relating to some stores sent to Jamaica etc., read. Directions thereupon given for advising the Governor on the first occasion that he may move the Assembly of Jamaica to make provision for payment as therein desired.

Letter from Capt. Richards, Newfoundland, Sept. 8, with enclosure, read.

Mr. Prior communicated to the Board a Letter from the Bishop of London with an extract from a letter from Mr. Jackson, Minister at Newfoundland, relating to the state of that place, wch. were read; and whereas his Lordship further mentions an Act of Pennsylvania relating to Marriages, and an Act of New York relating to the Towns of East and West Chester, which he desires may not be approved, ordered that his Lordship's notes upon those Acts be taken into consideration when the Acts themselves come before the Board. [*Board of Trade. Journal, 14. pp. 254-265.*]

Dec. 31.

1134. Mr. Hutcheson to the Council of Trade and Plantations. Answer to the petitions of Mr. Mead and Mr Shipman, in relation to two Plantations in Nevis. The Council and Assembly of Nevis have lately written to your Lordships of their great satisfaction of Col. Codrington's conduct. (1) As to Herbert's being encouraged by the reasons suggested to prosecute his title, 'tis so far from truth that the suit which preceded the trial May 13, 1701, was commenced before Col. Codrington's arrival and was adjourned from a preceding sessions, Nov. 5, 1700, and the petitioner Mead dos very well know that Herbert has for above 15 years been endeavouring to recover his just right. (2) The Governor's sitting on the Bench is not contrary to the practice of his predecessors, who have usually done so, and that as Chief Judges of the Court, even when the Chief Governours

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resided at Nevis, and the causes heard at the said Court came before the Governor and Council there by way of Appeal, who had been before Judges thereof; and how improper soever, thus, in fact, the practice has been, and certainly in Col. Codrington's case the practice is much less liable to exception, for though there be an appeal to him, yet 'tis not to him alone, but to him and the Council of another Island, before whom the cause was not before. Allowing petitioner's representation of Col. Codrington's behaviour, 'tis evident he influenced the Court no further than what he had authority as Chief Governor to have enjoined them, viz., not to stop the course of Law nor to delay this suit on frivolous pretences. The matter in dispute had been long depending, and to the great reproach and scandal of the Justices of the place, the Plaintiff for many years was not able to obtain a fair trial, but from time to time delayed by the interest and management of his powerful adversaries, and though he did once obtain judgement against the petitioner Harvey's father then present in Court and refusing to make defence, yet that too they have found means to render ineffectual. This Plantation was formerly rented to one Mr. Eddy, and since to the petitioner Mead, who married Eddy's widow, and at no greater rent than 100*l.* per annum, and if one crop of canes be worth 3,000*l.*, the Lessees have been plentifully rewarded for their extraordinary care in supporting their Lessor's title. If therefore, in a case of uncommon oppression, when the low and mean was borne down by the power and interest of the rich and mighty, Col. Codrington has appeared, for the support of Justice, with zeal and warmth, it may appear matter for his honour and reputation. *States the case at length. Prays that a gentleman who serves H.M. and the public with honour and integrity may not suffer in his reputation before he has had an opportunity of making his own defence. Signed, Arch. Hutcheson. Endorsed, Recd, Read Jan. 13, 1701½. 10½ closely written pp. [C.O. 152, 4. No. 74; and 153, 7. pp. 338-366.]*

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1135. Mr. Morris to the Council of Trade and Plantations. After so much noise and clamour as was made against Colonel Hamilton by his unalterable enemy Mr. Dockwra, I did expect a List of particular charges against him, of such crimes and male administrations as ought to have barred him H.M.'s favour, and the reason I undertook his defence was because to my knowledge, his conduct from 1692 till Basse's arrival was to the general satisfaction of the Inhabitants, and from his second arrival in that Colony, in 1699, untill I left the Province, even his Enemies did not alledge anything against him, but his want of a sufficient and lawfull power to command them, which if he had (in their opinion) been clothed with, they had not only then, but would now readily obey, not by force but choice. It is no small justification of a person in the Colonel's circumstances, that after a series of almost (if not quite) ten years administration, his most inveterate Enemies (who certainly would not omit anything materiall) cannot find any particular

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to accuse him of, but lay to his charge such generalls, as may be alledged against any Governor whatsoever, and may with greater probability be supposed false than true, and even if true, may not be criminall.

It is very possible a Governour may omit to put in execution those Orders and Instructions he receives, but it's not to be imagined a man in his right witts would act directly contrary to all of them; even the largeness of that accusation makes it almost impossible to be true, and if it were, such might have been the nature of their Instructions that it had not been criminall to have disobeyed them (had they been absolutely enjoyn'd) but the contrary. In 1687 (I think) the late King James reunited the Province of East Jersey and some other Proprietary Governments to the Crown and put them under the Administration of Sir Edmond Andros, who gave Colonel Hamilton the Chief Command of that Province in his absence, but not long after the late Happy Revolution hapning, the severall Governments reassumed what they thought to be their rights, and among the rest New Jersey, but was (as all the rest) at that time in confusion. Colonel Hamilton therefore thought fit to take shipping for England to accomplish its speedy settlement, and not (as his Accusers seem to insinuate) because of their complaints. In his voyage home, he was unhappily taken by a French ship where he lost some accounts relating to them as their Agent, notwithstanding they were so well satisfied with his former conduct, that they gave him a Commission in 1692, and if what his Accusers alledge were true, and he so faulty as they would paint him to yr. Lordships, they were unwise for so doing. He returned to New Jersey, and by virtue of this new Commission took the Government on him, and his Administration was to the great service of the Crown, and universall satisfaction of the Inhabitants, as his present Accusers doe owne in so many words in a Petition to the Lords Justices. And the same Persons in that Petition do also acknowledg that the reason of their appointing Basse, was because they would avoid any colour of offence against the Act "for preventing frauds and regulating abuses in the Plantation Trade," and they write over to Colonel Hamilton in New Jersey, thanking him for his past administration, and assuring him that he should not have been removed by them, had he not been unqualified on the score of his Nation. So it was neither the breach of his duty, nor that they were provoked by his usage, as they falsely alledge, that induced them to remove him, and put Basse in his room. What opposition or affronts Basse met with, Colonel Hamilton was not concerned in, but diswaded them. It was from me he received some of them, not put on by Col. Hamilton or anybody else. I did nothing but what I might lawfully and am ready to justifie everything I did (on that score) when called to an account for it. Bass's administration was such that the Generality of the Country extreamly dislik't it, and writ home to the Proprietors, complaining of him, upon which they gave Colon. Hamilton a new Commission notwith-

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standing all that they alledged against him, and writ a verry sharpe Letter to Basse, and Councill, blaming them for classing the King's Naturall Subjects into English and Scotts, withall telling them, they had done Colonel Hamilton right in reinstating him in that Government, from which by a mistake they had removed him. Captain Bowne, that quiet man, with some others were so nettled at this Letter, which had so severely censured their ill conduct, during Basse's Administration, that they would not continue in the Councill, not because they had any aversion to a Scottsman, or to Colonel Hamilton in particuler (who they profest a great respect to), but because the Proprietors had affronted them, as a Letter under Captain Bown's hand to Colonel Hamilton makes appeare, and all those dire effects they talke of, proceeded from their aversion to the Proprietors, whose imprudent conduct (influence'd by Mr. Dockwra) not only gave rise to our unhappy divisions, but by a series of repeated follies, added fuell to those flames which rage amongst us with so much fury. For that small part of the Proprietors who are now Colonel Hamilton's Accusers, finding that Captain Bowne and that partie had so farr resented the affronts they received from them, as to sacrifice the publick Peace to gratifie their revenge, began now to move in the t'other extream and descending from the heights of an arrogant and imperiouse stile to the lownesse of addressing to their adversaries, like humble supliants, they ask't their pardon for their past usage, and intreated their assistance for the future. This base and mean trueling, as it rendered them to all persons the objects of a just derision, so those they address'd to turned their fury into scorn, and spurn'd at their authority with an equal contempt, and to add a delicacy to their revenge and render those Proprietors as ridiculous and despicable upon record to future ages, as their conduct justly deserved, they attempted to prevaile with them, to make Andrew Bowne (the very person that headed the faction against them) their Governour, and chose those two persons who had publickly appeared against the Government (on all occasions) to negotiate that affaire, and by means of Mr. Dockwra's mediation (who, as is writ from New Jersey, received a bribe of one hundred pounds sterling) they succeeded in the attempt, and secured a Commission for said Bowne, without ever so much as consulting the rest of the Proprietors, and sent it over with one Salter (a person not of the best reputation) giving him power (in case Bowne refused) either to take the Government himself, or constitute such other person as he thought fit, an action (to say no worse of it) very unjust and unreasonable. When this Commission arrived in Jersey, the Proprietors there finding so few hands to it, judged that it was hatch't privately in a corner, without the knowledg and consent of the rest, entred their protest against it as a thing surreptitiously and basely obtained, write to that small part of the Proprietors here, that gave that Commission to Bowne, and expostulate with them about it, and tell them that six Proprietors in New Jersey, have as much right to constitute a Governour as six in England,

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and Colonel Hamilton whose Commission was signed by as many Proprietors as make up two thirds of the whole, by far the majority (which by the common reason of mankind in all Societies concludes the minor) will not nor ought not so far betray that trust reposed in him by the rest as to give up the Publick Records or Seale, or any way to part with that authority he is cloathed with, till an authority more sufficient appears to demand it. This is a short narration of fact, and defence of Colonel Hamilton against his Accusers, and I beg yr. Lordships won't admit such generall and (possibly) untrue allegations to lessen a person in yr. Lordships' esteem, who has so well deserved of the Crown as Colonel Hamilton has, and since the Proprietors have agreed to pay the Governour till a sufficient fund be raised in the Country for that end (provided they have the naming of him) it's hoped yr. Lordships will judge it reasonable to oblige them in it, especially when they name a person that will be so generally acceptable to the People, who (excepting a small number) have no aversion to a Scotchman nor to the Colonel in particular. The Inhabitants there (I am sure), and I believe the Proprietors here, have received no injury from Colonel Hamilton, nor is his male administration the motive to their surrender, but because the maintaining their Government is a charge and no profit to them, their authority not obeyed, the Province in confusion and no prospect of its being otherwise, till it's put under H.M.'s more immediate administration. A Governour skill'd in Military affairs is not amisse in any of the King's Plantations at any time; Colonel Hamilton is not unskill'd, and to oppose foreign enemies and quiet intestine feuds, a whole Regiment so skill'd will do more service. *Signed*, L. Morris. *Endorsed*, Reed. Dec. 31. Read Jan. 8, 1701. 6 pp. [C.O. 5, 1261. No. 39; and 5, 1289. pp. 322-330.]

1136. Act of Antigua. [C.O. 8, 3. pp. 108 ff.]

1137. Acts of Barbados, 1701. [C.O. 30, 6. pp. 146 ff; and 30, 3. pp. 315 ff; and 30, 4. pp. 201, 202.]

1138. Acts of Bermuda, 1701. [C.O. 39, 1. pp. 87 ff.]

1139. Acts of Bermuda, 1701. *Printed*. [C.O. 39, 2. pp. 59 ff.]

1140. Lists of Acts of Bermuda and Barbados, 1701. [C.O. 5, 274 *passim*.]

1141. Laws passed by General Assembly of Pennsylvania, Sept. 15—Oct. 27, 1701. *Signed*, Passed by me, William Penn. [C.O. 5, 1237. pp. 87 ff.]

1142. Acts of the Leeward Islands, 1701. *Printed*. [Board of Trade. Leeward Islands, 70. pp. 114 ff.]

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1143. Acts of the Leeward Islands, 1701. *Printed.* [*America and West Indies.* Leeward Islands, 553 *passim.*]

1144. Acts of Maryland, 1701. [*C.O.* 5, 731. *pp.* 755 *ff.*]

1145. Acts of Maryland, 1701. *Printed.* [*C.O.* 5, 729. *pp.* 13-21; and 5, 730. *pp.* 16 *ff.*]

1146. Acts of the Massachusetts Bay, 1701. *Printed.* [*C.O.* 5, 773. *pp.* 127 *ff.*; and 5, 771. *pp.* 32, 33, 193-223.]

1147. Acts of Nevis, 1701. [*C.O.* 154, 5. *pp.* 42 *ff.*]

1148. Acts of Nevis, 1701. [*C.O.* 185, 3. *pp.* 28 *ff.*]

1149. Acts of New Hampshire, 1701. *Printed.* [*Board of Trade.* New Hampshire, 21. *pp.* 7-15.]

1150. Acts of Assembly of New York, 1701. *Printed.* [*C.O.* 5, 1143. *pp.* 40-47; and 5, 1146. *pp.* 40 *ff.*; and 5, 1144. *pp.* 45-52.]

1151. Act of St. Christophers, 1701. [*C.O.* 240, 1. *pp.* 1 *ff.*]

1152. List of Acts of Virginia, 1701. *Printed.* [*C.O.* 5, 1382. *pp.* 115, 116.]

ADDENDA.

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May 6.

1153. Minutes of Council in Assembly of Barbados. Samuel Cox was sworn a Member of Council. The Members of the Assembly were sworn and chose Lieut.-Col. Richd. Downes for their Speaker. H.E. addressing them, took notice of the uncertainties of their meeting, and the little despatch they had gone through in publick matters the last year, and zealously recommended to them to be more constant in their meetings, and to avoid all animosities. [*C.O.* 31, 6. *pp.* 1, 2.]

May 13.

1154. Minutes of Council in Assembly of Barbados. Petition of Benjamin Hawkins praying a further hearing upon a writ of

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error brought by James Cecill against him rejected, but as some of the Council desire to be better appraised of the cause before they give their judgment, ordered that Counsel argue the case next Council Day.

Error brought by Capt. Peter Colleton and Mr. Nicholas Rice, to reverse a judgment given against the former, was dismissed.

Petition of pirates, that surrendered themselves upon H.M. Proclamation to Capt. Warren of the Vine pinck, praying the benefit thereof, referred to H.M. Attorney and Solicitor General for his report.

The Hon. Thomas Sadleir appointed Chief Judge of the next Court of Oyer and Terminer, and, in case of sickness, James Colleton.

300*l.* paid to Mr. Guy Ball towards the building the house in the Fort. [*C.O.* 31, 6. *pp.* 2, 3.]

May 15.

1155. Minutes of Council in Assembly of Barbados. Supplemental Act to continue an Act to secure peaceable possession of negroes to the inhabitants, and to prevent and punish the clandestine and illegal detinue of them, was read three times, passed, and received H.E.'s consent.

Joint Committee of the two Houses appointed to treat with Magnus Poppell about the making a mold and harbour, and to prepare a Bill accordingly.

Salary of Wm. Rawlin, Clerk of the Assembly, paid. [*C.O.* 31, 6. *pp.* 3, 4.]

May 27.

1156. Minutes of Council in Assembly of Barbados. An Act for repealing an Act herein mentioned etc. was read and ordered to lie upon the table, the Hon. Tobias Frere, the party concerned, having some objections to offer.

Letter from Mr. Secretary Vernon, March 4, 1700^o, read, importing that the French had fitted out a squadron to be sent to the Spanish West Indies and that they were ready to sail under the command of M. de Coetlogon, and directing H.E. to take care for the security of the Island. Ordered, that on June 13 all the Windward Regiments be reviewed, and on June 17 the Leeward Regiments.

Letter from Governor Codrington, St. Kitts, May 3, desiring a supply of men and H.M. frigate, communicated to the Council.

Ordered, that the Assembly be called June 3.

Letter from the Council of Trade, March 7, 1700^o, read. [*C.O.* 31, 6. *pp.* 4-7.]

June 3.

1157. Minutes of Council in Assembly of Barbados. Petitions of Mrs. Sarah Codrington, Mrs. Hester Haggard, John Chace, junr., Wm. Lyte and John Chase senr., relating to the placing out the country's servants, were recommended to the Assembly for their consideration.

Capt. John Tucky paid 40*l.* 13*s.* 9*d.* for 186 foot of cedar timber delivered for the use of the Leeward fortifications.

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Petition of Edward Arnell, Vintner, for 223*l.* 13*s.* 9*d.* for the charge of the late Court of Grand Sessions, recommended to the Assembly.

The Assembly attending, H.E. delivered to them the letters of Mr. Vernon and Governor Codrington referred to May 27.

June 4.

H.M. Commission and Instructions to Capt. Warren read. Ordered that the Attorney and Solicitor General report whether H.E. ought to give an order for the pirates to be delivered up to Commodore Littleton by virtue thereof, and having regard to H.M. Commission sent hither for trying of pirates.

The Assembly, by an Address to H.E., resolved that it was not reasonable, upon the letters of Mr. Vernon and Governor Codrington, to part with the man-of-war attending this Island, nor any of our men. The Council was unanimously of the same opinion. [*C.O.* 31, 6. *pp.* 7-9.]

June 24.

1158. Minutes of Council in Assembly of Barbados. The Board desired H.E. to recommend to the Assembly the presentments of the Grand Inquest, to prepare Laws accordingly, and that he forward them home by the first opportunity. Addresses of the Grand Inquest of Barbados to the King and H.E., in praise of the latter. [*See Nos.* 786, 789.]

Opinion of the Attorney and Solicitor General was read that Capt. Warren's Commission was superseded by the General Commission for the trial of Pirates here, which bears date almost two years later. *Signed*, E. Chilton, Richd. Turner. [*C.O.* 31, 6. *pp.* 9-12.]

July 8.

1159. Minutes of Council in Assembly of Barbados. Upon the petition of the Judges of the late Court of Grand Sessions and of the Hon. Benja. Cryer and the rest of the clergy, to pardon Charles Edmund Nealer, lately sentenced to die for felony in stealing divers goods from Mary Coates, widow, H.E. was pleased to grant a pardon to Nealer, provided he goes off the Island in 30 days and never returns again.

Petition of the pirates, that came hither in the *Vine* pinck, referred to the Attorney and Solicitor General for their opinion what is fit to be done by virtue of H.M. proclamation.

6*l.* paid to Col. Tobias Frere for the loss of his servant murdered by a negro, since executed; 14*l.* to Ann Stoker and Daniel Parkinson, in whom the reversion of the negro was vested, and 5*l.* to Ann Cooper, she having a present estate in him.

Upon the petition of Edward Lascelles, merchant, praying liberty to run out a wharf at the Post Office further into the sea, that it may be made even with the adjoining wharf, referred to the Surveyor General, Mr. Poppell to be present.

Petition of Alexander Davies and Mary his wife, praying that John Heywood, marshall, may be summoned to appear next Council Day to answer a complaint therein laid to his charge, granted.

July 9.

Writ issued for a Member to serve in the Assembly for the Parish of St. Peter's, All Saints, in the room of Saml. Maynard, gone off the Island.

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Recommended that Magnus Poppell go about his mold speedily, to avoid the hurricane destroying what he has already done, and that no ship careen without his leave, unless it be done by the mold, and that no one ship shall pay for careening more than twice in one year, though they have occasion to careen oftener. [*C.O.* 31, 6. *pp.* 12-14.]

- Aug. 5. **1160.** Minutes of Council in Assembly of Barbados. Error brought by Thomas Walker, to reverse a judgment given against him on an action of detainue brought by Charles Wilson, senior, in H.M. Court of Common Pleas held for the precincts of Christ Church before Richard Elliot, for a negro woman and her three female children. Judgment reversed.

Major Thomas Alleyne was sworn a Member of Assembly for St. Peters All Saints.

Writ issued for a new Member of Assembly for St. Andrews parish, in the room of the Hon. John Holder, dead.

Ordered that the gunners of the forts render an account of all the powder that has been delivered to them since H.E.'s arrival, and what quantity they have in their custody, and continue so to do every six months. The Committee of Accounts to give them a method for keeping their accounts for the future.

Order of King in Council, April 10, 1701, read (*q.v.*). H.E. in Council, Dec. 3 last, could not grant the petition of James Cowse for an Appeal, there not being Members of Council sufficient, by removing some of the Council therein concerned, but next Council Day, Jan. 21, H.E. signed the order on the petition for appeal pursuant to the prayer thereof. Ordered that authentic copies of all the proceedings be transmitted home under the Seal of the Island, as directed.

120*l.* sterl. paid to John Adams for his salary and the six Matrosses at Oistin's Fort, due Sept. 1, 1700. [*C.O.* 31, 6. *pp.* 14-16.]

- Aug. 21. **1161.** Minutes of Council in Assembly of Barbados. H.E. acquainted this Board that he had chosen the Hon. Jonathan Downes to supply the place of the Hon. John Holder, late Judge of Scotland Court. The Board approved.

A Supplementary Act to the Act to raise and provide a strength of Labourers to clear the trenches and repair the breastworks and fortifications, was read three times, passed and consented to by H.E.

250*l.* paid to H.E. for 6 months' rent of his house.

Michael Terrill, Wm. Forster, Ried. Griffin and Ann Holloway paid the remainder of the sum due to them for the hire of the *Soldadoe* for the late expedition to Martinique.

36*l.* 3*s.* 9*d.* paid to Edward Arnell for entertaining the Committee of Public Accounts, and 461*l.* 8*s.* 11*d.* for entertaining the late Court of Grand Sessions and the Jurys.

Petition of Sarah Dwight, for payment for entertaining H.E. and Council upon H.E.'s arrival, referred to a Committee. [*C.O.* 31, 6. *pp.* 16-17.]

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Aug. 26.

1162. *To p. 477, line 25, add,*

791. ii. William Penn to the Lords of the Admiralty, Philadelphia, 10th of the 10th, 1700. Honourable Friends, If I have not hitherto wrote, 'tis not of disrespect but caution, being rather willing the account of my conduct should come from those that have reproached that of my Lieut., because I depend upon their honour in doing me justice, and forbear being particular in my own favour, that I may not be thought vain, where I so much value the better opinion. That which quickens this from me is the business of the *Providence*, John Lumbly, Commander, and to request some plain rules for our future conduct. I well remember that this Government's uneasiness at the condemnation of Lumbly was made an article against it to me at home, upon which after my arrival I made it my business thoroughly to inquire into the steps of that affair, and find our fault was chiefly this, that endeavours were made to persuade your Officers here to accept of security for the vessel, which two the most eminent merchants of the place offered to the Admiralty of England if she might proceed in her voyage, it evidently appearing to them that she was English-built, registered and duly navigated, only the certificate of her Registry, through the Master's carelessness was wanting, but shall forbear alledging particulars in defence of the people's uneasiness at that piece of rigour, seeing the whole now appears to your Court to merit your further enquiry. I shall only request that, (more than complying with the inhibition and orders already sent, which I have already done) I may have no greater share of the trouble or charge, if any follow, than I intended to have of the gain, for the Master and all others concerned here know I was resolved never to touch of any part of ship or cargo more than to give storage to and take care of the third allotted me on division of the latter, that it might be the safelyer preserved for the merchants, tho' the inhibition had never come.

What other slips this Government, especially Col. Markham was accused of, as I will not make it my business to vindicate him, so I hope they will not be laid to my charge, being obliged by the Queen not to put him out because he was Col. Fletcher's Deputy before without the Royal orders or consent, as by the Minutes of Council at Whitehall may appear, and I suppose he has himself sent home his vindication to the Lords of Trade and Plantations.

I cannot, my honble. Friends, but lament that occasions should be taken where (for my own part I can boldly say it) not the least is designed, and where I dare affirm the Admiralty meets with as much deference and compliance from the Government in general as anywhere

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in the King's Dominions, and ever shall (while I am concerned) in all its just powers and commands, an infelicity I am apt to believe very much owing to the small opportunities of acquaintance the Gentlemen concerned with it here have had with the Civil Law, and the proceedings of Doctors' Commons, as some of themselves do acknowledge, and which I conceive some experienced Attorney in the practice and customs of that great and honourable Court might in a great measure prevent by distinguishing the just boundaries of the Civil and Maritime powers, where they border one upon another, wch. is submitted to the Lords' consideration of the King's service. To this unacquaintance doubtless is to be imputed their opinion that they are in all cases to act to the literal extent of their Commission, which sometimes breaks in upon our Civil Courts of Record to a degree that cannot but extremely confuse us, a practice unknown in our neighbouring Governments, where all things done *infra corpus committatus* are without dispute tried by the Civil Courts only, of which N. York now the most celebrated in these Colonies and for regularity in such cases is a convincing instance. And indeed it cannot be conceived that the Courts of Admiralty, erected in these Plantations chiefly for trial of offences against the Acts of Trade and Piracy, were ever designed to extend so far as that nothing should be done afoot of the shore in any creek or river but by its powers, and that all actions of Bakers, Butchers, and Victuallers, Smiths, Cordwainers etc. suing for provisions furnished to or work done for vessels, and such like private and civil cases should be tried in the Admiralty only and without a Jury, a thing extremely dissatisfactory to the King's subjects here in general; but what I have never yet offered to prohibit, rather desiring they should be diverted from it by directions of our Superiors at home, tho' I must confess 'tis troublesome. Another thing that appears no less unreasonable I must beg leave to mention, which is that Col. Quarry being out of the Province the greatest part of last summer, about 5 months at one time, being forced to it by his trading affairs and a fit of sickness, there was a great ball fired from on board of a vessel before the town through a house on the middle of our key to the great terror of the inhabitants, upon which among others John Moore, Advocate of the Admiralty, applied himself to me to take notice of the matter, which I did, but found it only an accident, but for coercion of such actions for the future, and for maintaining the peace as well on the water as land, I gave the Sheriff a Commission to be Water-Bailiff for the Port, and for our better guidance had it drawn by the Naval Officer of New York, then in this

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Town, he being also a Lawyer of considerable practice under the Lord Bellomont and judged able in Naval Affairs in general. With this Commission Col. Quarry returning home appeared much dissatisfied, as if by it I had invaded the powers granted him by the Admiralty, which I must confess did not a little surprize me, for nothing can appear more unreasonable and absurd to me than that this country being granted once by the King's Letters Patents, both soyle and Government with the royalties of both land and water, and full power of founding cities, corporations etc., with all Courts, Magistrates and officers necessary for their Government (which by the blessing of God through my interest has in a short space been raised to a flourishing condition, and thereby no inconsiderable accession been made to the Dominions of the Crown) my power should be disputed of appointing an officer that most Mayors of Ports in England (if I mistake not) have the priviledge of, and that I who can constitute the Mayor, cannot the officer that may be afterwards appointed by him, according to the practice of our neighbouring Government of New York, nor my warrants nor orders be good astride of the shoar, tho' so absolutely necessary to the administration of justice. For I need but appeal to your honourable Board what the consequence must be if a criminal pursued or a debtor escaping, if he but step off the wharf on board any vessell, should be out of the power of all our Civil Officers, and be able to bid them defiance. Yet, unreasonable as this is, such has been my care not to disoblige the Admiralty here, that even that trivial Commission had scarce been granted, by which there have not yet been four warrants served, had the Judge been at home, or had John Moore, left in his room, seemed inclinable to act. But the peace must be preserved, and therefore I was obliged to do more than otherwise I should, not through any doubt of power, but to prevent clashing and misunderstanding till affairs might be settled pursuant to an agreement between Col. Quarry and myself, that we should represent some such things as might be thought doubtful for both our security, rather than give the least occasion to the Inhabitants of observing any misunderstanding between us. And now I earnestly request that the H. Court of Admiralty would be pleased for our safety and ease to give us their Instructions herein, and take into their consideration the inconveniency that must needs ensue upon the Civil and Maritime powers interfering with one another, which I humbly submit, requesting their notice, and that they would believe that my mentioning these things proceeds not from any design of abridging the just powers of that Court in this Province, on the contrary, I have

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always countenanced it since my arrival, and of this the Judge himself cannot but bear me witness, he has shewed himself honble. to mee in it since I came hither, and I hope no resentments or uneasiness he may entertain from the inhibition of the *Providence* (with which I am no ways concerned more than by your commands) will divert that strain of candour he has in his discourse so largely professed me; yet I cannot but observe that tho' no other in its nature, as I take it, than a writ of error or certiorari in the Common Law, it comes not without some discouragement, and puts him upon his defence, in which I hope he will shew himself so just as not to make parties of professions, nor use names for reflections, for I am sure none in the Province that I can hear of has acted in it since my arrival, till put upon by your Order, nor were the Quakers the only people dissatisfied at their proceedings in that business, those of his own sentiments being equally uneasy at their rigour. But if anything reflecting should unhappily escape any of the officers' pens, I hope you will be pleased to favour me with the knowledge of it, and if it be not clear'd to your satisfaction, then let me fall under the censure, which I should be unwilling to incur at any rate. In fine, to show how far I have been from discouraging any of the Admiralty Officers here, I have made the Advocate of that Court Attorney General, and our Under Sheriff is their Marshal, which cannot be thought to look as if it were designed we should draw two ways. Sometime since I recd. a letter from your Secretary requiring Robt. Bradenham, Kidd's Doctor, to be sent home, wch. I then omitted to answer, having done it by sending him 4 months before by the King's Commands to the Lord Bellomont, with all his treasure, not forgetting his little negro, without deducting one farthing for all our charges of conveying him to N. York, or trouble of finding the money wch. was considerable, for all wch. I have been thought punctual to a fault by some perhaps of whom you have a good opinion. And if I may make bold to add this and say in my own right without ostentation, I have endeavoured to serve the King with the utmost application and integrity (of which I presume the Lords of Trade and Plantations are satisfied) and in all things have preferred his interest before my own, tho' they have greatly suffered by it, and that without the least allowance for it anyway, or even of claiming those royalties wch. your Advocate is of opinion by my grant I am entitled to. The length of this I must say would need an apology, if it were not a letter of business as well as respect, but I have done when I have assured you, as now I do, that I shall on no occasion claim any privileges by being a Proprietary against the zeal and duty that is expected

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from or should recommend any King's Governour when his service is concerned. *Endorsed*, Reed. Read Oct. 15, 1701. *Copy*. 5 $\frac{1}{2}$ *closely written pp.* [C.O. 5, 1261. No. 18.ii.; and 5, 1289. pp. 278-290.]

Sept. 2.

1163. Minutes of Council in Assembly of Barbados.

220*l.* paid to Sarah Dwight.

Error brought by Philip Banfield to reverse a judgment obtained against him by Henry Cleaver, son of Major Francis Cleaver, before Thomas Ince, one of H.M. Justices in the parish of St. Phillips, for 24*l.*, 12 months' wages, said to be due from Banfield to Cleaver, for looking after his business as an overseer. Judgment confirmed.

13*l.* costs awarded Sam. Luke for Bill of Error brought by Col. Peter Colleton and George Rice.

Major Robt. Morris took the oaths as new Member of Assembly for the parish of St. Andrews.

Petition of George McKenzie, merchant, praying to be paid for several Scotch servants brought hither for the service of the country, read, and recommended to the Assembly.

Edward Lascelles granted drawback on Madera wine turned sour.

Wages of gunners and matrosses etc. paid.

John Farmer was paid 25*l.* for a negro executed for felony, and Henry Applewhaite the same for a negro executed for running away.

Petition of Capt. James Graham read, setting forth that several negroes belonging to Col. Boteler and Jane Hunt, widow, and Major John Broome, did lately burn a house belonging to him, together with Ann Armstrong and her three children, who lived there, which negroes were since executed. 18*l.* paid to him for the house.

20*l.* paid to Richd. Forstall for a negro lately executed, and 5*l.* to Major Thomas Neale for damages by him sustained.

124*l.* 14*s.* paid to John Steward for several boat-loads of stones and negroes' work for the house in James Fort.

Upon the complaint of Edward Chilton, H.M. Attorney General, that one John Fo(r)ster and Edward Forster had assaulted him on the King's Highway, going to Scotland Court, July 25, John Foster having at that time received his death's wound, and the Attorney General, having received several wounds from the two Forsters, prayed that Edward Forster might be bound over. Ordered accordingly.

The House attended H.E. and desired an answer to an Address presented relating to the disposal of the money raised for the use of the fortifications.

The opinion of the Attorney and Solicitor General was read, that the Pirates were well entitled to H.E.'s certificate that they surrendered before June 24, and the Council desired H.E. to grant them accordingly.

Edmund Bedingfield and Alexander Skene paid for administering oaths to Commanders of ships leaving these Islands.

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Sept. 3. Act to revive the Act to secure peaceable possession of negroes etc. was read three times and passed.

Sept. 4. Supplemental Act to the Act of Militia was read three times, passed and consented to by H.E.

Act to provide a strength of Labourers for the fortifications was read three times, passed and consented to by H.E.

Proclamation ordered for a General Fast and Day of Humiliation to be held on Sept. 26, to implore God Almighty's Mercy for the removing those judgments that are upon us and to avert those that seem to threaten us. [*C.O.* 31, 6. *pp.* 18-24.]

Sept. 4. **1164.** Minutes of Council of Virginia. 63*l.* sterl. paid to Henry Tyler for the land assigned in the City of Williamsburgh for the Residence of the Governor.

Sept. 5. H.E. laid before the Council a letter from Major Peter Field, Sept. 3, concerning two strange Indians taken somewhere upon Swift Creek and brought hither prisoners. Advised, that the whole matter be laid before the Burgesses. [*C.O.* 5, 1409. *p.* 148.]

Sept. 9. **1165.** Minutes of Council of Virginia. The question was put by H.E. whether he may not, if he thinks fit, be present together with the Council when they are debating of Bills to return to the House of Burgesses, and to hear and to debate the matter with them, he having found the practice and custom to be such at his first coming to this Government and continued so till this present time. This being a very nice, intricate question the Council desired time to consider their answer.

H.E. desired the opinion of the Council concerning Christian servants being mustered. The Council were of opinion that they ought not to be mustered.

Sept. 10. Papers relating to the two strange Indians [Sept. 5] ordered to be laid before the House of Burgesses.

Sept. 11. The Hon. Robert Carter made oath to his accounts. [*C.O.* 5, 1409. *pp.* 148, 149.]

Sept. 13. **1166.** Minutes of Council of Virginia. H.E. laid before the Council a letter from Lieut. Edwd. Durley, H.M.S. *Lincoln*, announcing the death of Capt. Edward Nevill, and his Instructions from the Admiralty to take command in such case.

H.E. laid before the Council a letter from Major Samuel Swan, North Carolina, Sept. 9, concerning the claim of Daniel Cox to North Carolina.

Ordered that Wm. Byrd write to William Penn, Proprietor of Pennsylvania, concerning the charges of an Indian he sent from Newcastle, Nov. last, and which he saith [Dec. 31, 1700], he at his own charges cloathed him, that he may send an account what costs and charge he was at, to the end the same may be paid. [*C.O.* 5, 1409. *pp.* 149, 150.]

Sept. 15. **1167.** Minutes of Council of Virginia. Letter and Instructions from Mr. Burchett, June 25, 1701, concerning Capt. Passenger etc. laid before the Board.

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Letter from Capt. Passenger abt. Westmore read. Ordered that it be sent to Major Buckner, and that he go on board and order Westmore forthwith to return his answer to H.E. and the Council.

Petition of Orlando Jones [see p. 519] referred to the Burgesses.

3*l*. sterl. paid Charles Evans for charges during the time he was writing for H.M. service at James Town. [C.O. 5, 1409. p. 150.]

Sept. 17. **1168.** Minutes of Council of Virginia. [See *Journal of House of Burgesses under date. No. 859.*]

Sept. 18. H.E. laid before the Council the Address of the Burgesses to himself, Sept. 16 [see No. 893] and asked their advice whether it was a full and sufficient answer to H.M. Letter of Jan. 19. The Council are of opinion that whereas they say in the Address that was obtained by false suggestions and misrepresentation, these expressions are too harsh and severe, which the Council are doubtful they can't prove. Whereas they say their misrepresentations were merely to gain a contribution, the better to enable them to build forts for the security of their Indian Trade, the Council conceives that to be too severe a reflection, there being no ground for the same set forth in H.M. letter of Jan. 19. As to the Forts being no security to this Colony, it would have been much better to have said that Forts on the frontiers of that Government can be of no security to this Colony to keep off the French and their Indians from invading us. It would be well to add to the clause concerning the 900*l*., "having such large frontiers both by sea and land to be defended by our men at our own charges."

H.E. acquainted the Council that since it was resolved by the House of Burgesses that they could send no money to New York, H.E., considering the fatal consequence might thereupon follow, should the French come to understand that New York could not expect any aid from Virginia either for men or money, he thought himself in duty bound to dispo^set and lay down 900*l*. sterl. according to H.M. commands; that the Burgesses in their Address have not laid down reasons sufficient for H.E. to dispense with the King's Order of sending a quota of men to N. York, if demanded. Thereupon H.E. desired the opinion of the Council.

Sept. 19. The Council gave their opinion that it will not consist with H.M. interest and the peace and safety of this Colony to send the said quota of men to New York. [*The reasons given correspond to those in the Address, pp. 540, 541.*] H.E. laid his proposals [see *Journal of House of Burgesses, Sept. 22, No. 882*] before the Council, who prayed time to consider them.

Sept. 20. The Council gave their opinion that as to H.E.'s proposal, a Law should be passed to enable him to impress all arms and ammunition on emergency. As to the other proposals, the Council thought it more proper for the House of Burgesses to propose the ways and means to buy up arms etc., and for H.E. only to suggest the necessity, as being more agreeable to the custom in Parliament and more likely to take effect. H.E. asked

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whether, if they find no such ways and means, for the service and interest of H.M. and the security of this Colony he shall not then propose the two ways mentioned, 6*d.* per hhd. export duty on tobacco for one year and a tax of 15*b.* tobacco per poll, because that he thinks himself bound in conscience and duty to God, the King and the Country [so] to do. The Council were of opinion that what they have before said cannot debar H.E. from making these proposals in that case.

Upon the application of Capt. N. Bostock, H.M.S. Advice boat *Eagle*, warrant ordered for him to impress a pilot to carry him up to Maryland.

Capt. James Moody, H.M.S. *Southampton*, was ordered to deliver on board the *Eagle* Robt. Keith, John Sharp, Wm. Tibbs, and John Edwards appointed by the Bishop of London Missionaries for Maryland, and Mr. Hugh Jones and one man servant, Gabriell D'Emilian and his son Charles D'Emilian, with their necessities and 35 boxes of books.

Ordered that Capt. Passenger deliver up the sloop purchased to attend the *Shoreham* to Capt. Moodie.

Warrant signed for Capt. Moodie to impress "one seaman out of any ship who hath 12 seamen and who shall arrive within the Capes of Virginia" for the full manning of his ship. [C.O. 5, 1409. pp. 150-161.]

- Sept. 22. **1169.** Minutes of Council of Virginia. [See *Journal of House of Burgesses under date. No. 882.*]
- Sept. 23. John Harris, of the County of Westmoreland, agreed to transport letters from Maryland to Williamsburgh for 30*s.* sterl. per journey, and for every packet he carried over Potomack River 10*s.*
- Sept. 24. H.E. laid before the Council a letter from Capt. Moodie stating that the sloop he had received from Capt. Passenger was almost worn out and unserviceable. He proposed that H.E. should send to Governor Blakiston for the Spy boat *Eagle* to transport the Ministers [Sept. 20] to Maryland. Ordered accordingly.
- Sept. 25. H.E. proposed to the Council that as to the matters mentioned in the Address to him by the Burgesses, he could by no means consent to lay down any way to ascertain pay for an Agent to address H.M. in the matter of N. York, and therefore would have them consider that at the same time that they Address H.M. for an Agent they must also address how and by what means he must be paid. The Council were of opinion that H.E. should speak to the Burgesses on the matter, if he wished to say anything, before the Joint Conference was held. As to that part of the Address to H.E. where they say it is not probable men can be sent to New York in such time as to be serviceable to that Province upon an invasion, the Council are of opinion that Clause might better have been omitted.
- H.E. proposed what he should say to the House in the matter relating to the Agent. The Council say that they cannot direct H.E. in the subject matter thereof, but that H.E. may ask the House of Burgesses to see the Address to H.M. in the said Address concerning the Agent.

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The House of Burgesses in their Address saying that they had passed a Bill about regulating the Militia, the Council are of opinion that the House having quashed that Bill themselves and made another, H.E. need say nothing of that matter. As to that part of the Address relating to building a house for the Governor, H.E. considering it hath been so often pressed, asks whether it would not be convenient that the paying for land purchased of Mr. Tyler whereon to build the same may not be now laid before the House of Burgesses. The Council are of opinion it ought.

In the last clause for 146*l.* 8*s.* 3*d.* H.E. cannot agree with the House that it is no country charge, but that some way ought to be found out to satisfy it. It is the opinion of the Council that it be inserted to the Book of Claims, as also the 63*l.* paid to Tyler.

Ordered that the sloop *Elizabeth*, purchased by Capt. Passenger 1700, be sold. [*C.O.* 5, 1409. *pp.* 161-165.]

Sept. 23. **1170.** Minutes of Council in Assembly of Barbados. The Assembly not making a House, and there being no other business before the Board, the Council adjourned. [*C.O.* 31, 6. *p.* 24.]

Sept. 29. **1171.** Minutes of Council of Virginia. [*See Journal of House of Burgesses under date. No. 901.*]

Sept. 30. The Council advised that H.E. should signify to the Governor of New York that he hath laid H.M. letter before the House of Burgesses, and as much of the substance of their resolve and their reasons as may be thought proper.

Oct. 1. The Council were of opinion that H.E. had done what was proper, and that it was not for H.M. service to urge the quota etc. any further this time.

It was agreed to prorogue the Assembly till Nov. 12.

Oct. 2. Letter to Lieut.-Governor Nanfan read.

H.E. signed the Commissions of the Colonels and Commanders in Chief. [*C.O.* 5, 1409. *pp.* 165-166.]

Oct. 7. **1172.** Minutes of Council in Assembly of Barbados. Error brought by Col. Eginton put off till next Council Day, two material evidences being sick.

Error brought by John Waterman to reverse a judgment given against him in the Court of Common Pleas of S. Andrews upon an action there brought by Jacob Waterman. Judgment reversed.

Error brought by Edward Pare, Saml. Irish, and Elizabeth, his wife, to reverse a judgment etc. of the Court of Common Pleas of St. Michael's against Saml. Branch (?) executor of Nathaniel Williamson, by the Hon. John Reid, senr., John Reid, junr., and Thomas Dubois, merchant, Attorneys to Nicholas Rice, and also since by Nicholas Rice directed to the Hon. James Colleton, Chief Judge of the said Court. Judgment reversed.

Act for the encouragement of artificers to labour on the fortifications was read three times, passed and consented to by H.E.

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Act to prevent freemen, white servants, negroes and other slaves running from this Island in shallops, boats and other vessels, was read twice and ordered to be returned to the Assembly with some amendments.

- Oct. 8. H.E., with the consent of this Court, declared the Hon. George Lillington Chief Baron of H.M. Court of Exchequer and Chief Justice of the Pleas of the Crown in the room of Thomas Sadleir, decd., who took the oaths appointed.

Grant of the King's right made to Saml. Cox for running out of a wharf into the sea to leeward of James Fort.

Act for collecting arrears due to the Publick was read twice. [C.O. 31, 6. pp. 24-26.]

- Oct. 15. **1173.** Minutes of Council of Virginia. Ordered that the several matters to be despatched for England be prepared and that H.M.S. *Lincoln* sail Oct. 21, and H.M.S. *Shoreham* Nov. 4. The Colonels of Militia to return lists of the Militia by Oct. 29. [C.O. 5, 1409. pp. 166-171.]

- Oct. 17. **1174.** Minutes of Council of Virginia. Resolves of the Burgesses about the Agent considered. Ordered that the Clerk of the House of Burgesses prepare copies of proceedings to be transmitted. George Luke, Collector of the Lower District of James River, made oath to his account.

- Oct. 18. Capt. Durley, H.M.S. *Lincoln*, being in want of provisions and having been stayed for H.M. service, ordered that Capt. Moodie supply him. [C.O. 5, 1409. pp. 171, 173.]

- Oct. 21. **1175.** Minutes of Council in Assembly of Barbados. Writ issued for a new Member of Assembly for the parish of St. Thomas in the room of the Hon. Thomas Sadleir, decd. [C.O. 31, 6. p. 26.]

- Oct. 23. **1176.** Minutes of Council of Virginia. Upon reading an Address of Council and Assembly to lay open the lands on the South side of Blackwater Swamp and in Pomunkey Neck, to the end they may be seated and H.M. Revenue of quit-rents improved, H.E. acquainted the Council that he was very willing to comply, but that it seemed to him the same at this time would be very prejudicial to the Act for seating the frontiers, and consequently a prejudice to H.M. interest, which consists as well in securing and providing for the defence of this Colony by strengthening the frontiers as in his quit-rents, and therefore proposes for a further encouragement in seating the frontiers, that who so seats there pursuant to the said Act shall have the preference in taking up land in Pomunkey Neck or on the South side of Blackwater Swamp, without which H.E. conceives it will be prejudicial to H.M. interest and cannot consent, because the Act for seating the frontiers providing for the quit-rents, if these be laid open, none will go to seat the frontiers. The Council agreed. Officers appointed to oversee the frontiers and to find out lands fit for

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such cohabitations, and to endeavour as near as may be to make the several situations in a direct line. Publication to be made that the lands in Pomunkey Neck and on Blackwater Swamp will not be laid open under any other conditions.

H.M.S. *Shoreham* ordered to wait till Nov. 14th, the Clerks being unable to transcribe the Journals etc. ordered in time.

Letter from Capt. Moodie read, stating that he had fitted up the sloop *Elizabeth* which was worth little, and proposing to build another, which was necessary. He prayed for credit for a supply of provisions, for care to be taken of his sick men, for orders to careen his ship and credit for stores for that use, for orders to ride in some more convenient place than Kiquotan, and to impress men upon occasion. The Council were of opinion that the sloop would suffice for this winter, and as to building a new one, they had no particular instructions from H.M. As to the supply of provisions H.E. informed Capt. Moodie that he had formerly given credit to Capt. Aldrid, H.M.S. *Essex* prize upon the like occasion for 140*l.*, and that the last account he had from Mr. Micajah Perry, his correspondent, they were not paid, which being considered H.E. could not tell how he should be supplied, but such was his duty to H.M. that rather than H.M. interest should suffer any prejudice himself would give credit. As to the sick men, the same thing applied, and several other people had credited them upon several occasions heretofore and could not be repaid. H.E. desired him to represent the same to the Admiralty, etc. As to careening his ship, he is to cause the same to be done when and where he thinks fit, as also to choose his place for riding at anchor. Warrant to impress seamen ordered to be sent down to him, and the order for selling the sloop to be cancelled. H.E. laid before the Council the several inconveniences attending this Country in case of an invasion by sea, how defenceless, naked and unarmed it was, and whether it might not be proper to represent the case to H.M.

H.E. laid before the Council a Speech from Governor Penn to the Assembly at Philadelphia concerning a Peace made by the Governor of N. York with the Five Nations, and asked whether they thought it of such consequence that it might be proper to write to those Governors, to know how and by what authority they had done that and what is the sum and substance of that Peace which is said is made for H.M. subjects on the whole Continent. It is the opinion of the Council that the same not coming hither by any public way, they are not to have any regard to it other than a loose paper.

Oct. 24. Proclamation signed proroguing the Assembly till Dec. 10. Ordered that the Committee for revising the Laws take care to get the same perfected with all possible expedition and to be sure to have regard to the instructions of the Lords Justices etc., and that all Laws they make be agreeable thereto.

Ordered that the County Courts obtain accounts of the sloops etc. possessed by the inhabitants and make a return of the same to the Council Office, in case there be any occasion to use them for the defence of the Country.

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The Council agreed to H.E.'s proposals for instructing the Agent as to care to be taken with regard to delivery and publication of contents of the Address concerning the quota.

Henry Scarborough took the oaths appointed as Collector of the Eastern Shore District.

Several warrants for payment of official salaries signed.

Upon representation made that the French Protestants at the Mannikin Town and parts adjacent want some to rule and govern them in all causes and upon all occasions, ordered that Mr. Chatin and Abraham Nicod be commissioned to govern them according to such rules, orders and methods as H.E. shall think fit, consonant and agreeable to the Laws of England and this Colony. [*C.O.* 5, 1409. *pp.* 173-183.]

Oct. 28. **1177.** Minutes of Council in Assembly of Barbados. Error brought by Lieut.-Col. John Eginton to reverse a judgment given against him by Henry Applewhaite and John Summers, two of H.M. Justices of the Peace, upon complaint by Col. Abell Alleyne, formerly Guardian of the estate of William Chester, decd., alleging a forceable entry by him. Judgment confirmed.

H.E. communicated to the Board a letter from the Council of Trade and Plantations, July 3, and a petition of Alexander Skene etc. [No. 305.i.] to H.M. in Council. His allegations being very false, this Board desired H.E. would give them leave to answer them, which he granted. [*C.O.* 31, 6. *pp.* 26, 27.]

Oct. 31. **1178.** Minutes of Council in Assembly of Barbados. H.E. communicated to this Board H.M. letter of licence to repair for England to settle his private affairs, as soon as he shall think it convenient.

The Council brought in their answer to Mr. Skene's petition and memorials. [*Entered.*] Upon the humble motion of George Lillington, Chief Judge of the Pleas of the Crown and Chief Baron of H.M. Court of Exchequer, setting forth that by the former settlement of the said Court there were only appointed a Chief Justice and Baron and three other Barons, and that any two of them should be a Court to sit and hear causes cognizable in the said Court, by which means there being two quorums, and if [in] any cause the Court should be equally divided in their opinions, there could be no decision thereof, that no delays therefore may be in any matter, ordered that the Court be held in future by a Chief Justice and Baron and four other Barons, any three of whom shall be a quorum. [*C.O.* 31, 6. *pp.* 27-40.]

Nov. 4. **1179.** Minutes of Council in Assembly of Barbados. Answer to Mr. Skene's Memorial read and signed, and ordered to be sent to the rest of the Members to be signed. [*Entered.*]

Ordered that twelve ships appearing off this Island do alarm the whole Island, and seven ships alarm all the Forts and Towns, and it is ordered that H.M. Attorney and Solicitor General draw up a Proclamation to that purpose that the same may be read in the several Churches. [*Entered.*] [*C.O.* 31, 6. *pp.* 40-48.]

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Nov. 6.

1180. Minutes of Council in Assembly of Barbados. Letter to Admiral Benbow signed, desiring one of H.M. ships might be left here to guard the Island, H.M.S. *Ludlow* being speedily bound home for England and the relief ship being not yet arrived.

100*l.* paid to Lieut.-Col. George Peers and Wm. Heysham for the buying of fresh provisions for Vice-Admiral Benbow.

22*l.* sterl. paid to Col. Thomas Maycock for payment of a flag and pendant for the use of Orange Fort. Wages of the watch at the Magazine paid.

191*l.* 0*s.* 2½*d.* paid to George Peers for so much disburst by him for the use of the fortifications in St. Michael's division.

19*l.* 14*s.* 4*d.* paid to John Dickinson for entertaining the Commissioners of the Leeward Fortifications.

Alexander Lamplly paid 50*l.* 17*s.* 6*d.* for 203½*ft.* of timber for the Leeward Fortifications, and Jno. Parkinson 18*l.* 3*s.* 1½*d.* for 83*ft.*

53*l.* 7*s.* 9*d.* paid to Sarah Dwight for entertaining the Committee of Public Accounts.

Paul Carrington and Saml. Finnis, junr., executors of Saml. Mansill, paid 23*l.* 18*s.* 9*d.* for entertaining of the Assessors for the Town of St. Michael's. Wages of the garrisons paid.

James Marshart, Clerk of the Committee of Publick Accounts, paid 47*l.* 10*s.* for attendance.

188*l.* 16*s.* 10½*d.* paid to Willm. Heysham and Comp'y. for maintenance of servants etc., 363*l.* 14*s.* 6*d.* to Nicholas Baker and 305*l.* 12*s.* 6*d.* to William Roberts and Company for the same.

68*l.* 10*s.* 5*d.* paid to William Heysham for interest at 11 per cent. on money advanced by him for the owners of several servants.

Ordered that Charles Thomas, Receiver General of H.M. Casual Revenues, pay Richard Bowles, Escheator General, certain small sums expended by him, and also Thomas Brewster a sum due to him for expenses when Escheator General.

Petition of Hester Justice, widow of Love Justice and of Thomas Wilbraham, for salary due to the latter as Clerk to the Committee of Accounts for four years and one month, referred to the Committee of Accounts.

Account of Simon Cooper, decd., employed by the Country to keep the Fortifications in repair, referred, on the petition of Robt. Arthur, his executor, to the Commissioners of the Fortifications. [*C.O.* 31, 6. *pp.* 48-53.]

Nov. 9.
St. John's.

1181. Capt. Powell [? to the Council of Trade and Plantations]. Enclosing the following petition. *Signed*, Joh. Powell. *Endorsed*, Reed. Read March 12, 170½. ½ *p.* *Enclosed*,

1181. i. Petition of all the Serjeants, Corporals, Drummers and private soldiers in his Company to Capt. John Powell. Whereas there is an Order for the stopping out of your Petitioners' subsistence so much a day for the maintenance of a Parson (who has above 300*l.* a year given him by the ships and Planters) to the prejudice and discouragement of your Petitioners, everything being

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so dear in the Harbour that it will be impossible for them to subsist this long cold winter if you do not stand our friend and write to England that your petitioners may not only be eased of it for the future, but that which is already stopt may be returned. In former Regiments Petitioner never had any such thing stopt. We have heard the men that are deserted to Placentia complain of this thing as their greatest hardship. *Signed* by the Serjeants, Corporals and private soldiers of Capt. Powel's Company. 1 $\frac{3}{4}$ pp. [C.O. 194, 2. Nos. 54, 54.i.]

- Nov. 11. **1182.** Minutes of Council of Virginia. H.E. laid before the Council a letter from the Council of Trade and Plantations, July 22, 1701.

Col. Gawin Corbin took the oaths appointed and signed bonds as Naval Officer and Collector of Rappahanock River instead of Corbin Griffin, decd. He was ordered to take into his custody the papers relating to that office now in the custody of Griffin's executors, and make up his accounts.

Committee appointed to consider the Commission of Messrs. Chatin and Nicod to govern Manakin Town, now called King William Town. [See Oct. 24.]

Lieut.-Col. Miles Cary made oath to his accounts.

Wm. Davie, Master of the *James City* sloop, made oath that, when sailing from Virginia to New Providence, Sept. 5, he was robbed by a pirate. *And see No. 1042 viii, ix.*

H.E. laid before the Board a letter from Lieut.-Governor Nanfan, Oct. 24, 1701. The Lists of Militia etc. and accounts not yet being ready, and it being thought absolutely necessary for H.M. service that the same should be transmitted to England, ordered that H.M.S. *Shoreham* do not sail till the 21st, and then to take under convoy all ships ready to sail.

H.E. acquainted the Council that himself had been at the general musters of several Counties, and observed that not one quarter of them were fit and provided with arms and ammunition to attack an enemy, which he thought it his duty to represent to H.M.

Dionisius Wright, Clerk of the Council, moving again to be discharged from his office, H.E. asked the Council if, according to his former proposals, they could propose any one to undertake that place, to which they answered they could not tell of any at present. Ordered, that he draw a list of all the Council Books and Papers that he hath belonging to the Council Office and make oath that he hath not embezzled nor waisted any of them. [C.O. 5, 1409. pp. 183-190.]

- Nov. 11. **1183.** Minutes of Council in Assembly of Barbados. Admiral Benbow appointed H.M.S. *Ruby*, Col. Richd. Kirkby, Commander, to attend this Island till the ship ordered hither shall arrive.

120*l.* sterl. paid to Lieut.-Col. George Peers for one year's salary of himself and an officer by him employed in gaging of vessels.

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7*l.* ster*l.* paid to Hugh Agnew, merchant, for work done at the Fortifications.

Latimore Richards, Millwright, paid 50*l.* on account of work done at James Fort, his account being referred to the Commissioners of Fortifications.

150*l.* paid to Guy Ball on account of work done in James Fort, he to pay Richards as above, and also Martin and Hopkins for their work.

H.E. being suddenly designed to depart the Island, it is the humble desire of the Council the same respects may be paid to him at his embarquing as hath been paid to any former Governor, and that the Royal Regiment of Foot Guards and one of the Regiments of Horse, be drawn into arms at the Town of St. Michaels on that occasion, and that there may be three rounds of guns from every Fort and Battery. H.E. returned his thanks for this and other their former civilities, but considering the badness of the ways, and for the ease of the People, he is unwilling to have a Regiment of Horse to attend him, nor no more of the Royal Regiment of Foot, but the six Town Companies.

Charles Middleton took the oaths as Member in the Assembly for the parish of St. Thomas.

The Assembly attending delivered the following Acts to H.E. :— An Act for laying an Imposition on Strong Liquors ; an Act to prevent persons from going off this Island ; an Act for the encouragement of white servants ; an Act to encourage the Inhabitants of this Island to become owners of vessels.

50*l.* paid to Edmund Bedingfield, for his services to the Country, according to an Address of Assembly. [*C.O.* 31, 6. *pp.* 53, 54.]

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1184. Minutes of Council in Assembly of Barbados. Bill for laying an imposition on strong liquors read three times and passed, the Hon. Wm. Sharpe, Pat. Mein, and Samuel Cox dissenting, by reason they are of opinion that some parts of it are repugnant to the Acts of Trade and Navigation. The other Members were of opinion that the Acts of Excise having been sent to the Council of Trade for many years past and never disapproved by them, and no inconveniency or repugnancy for the Acts of Trade and Navigation yet appearing, this Act ought to pass, and protest that if they thought it any waies derogatory or repugnant to the Acts of Trade and Navigation (whereof they will be allwaies most tender) they would not consent thereunto.

Bill to prevent servants and slaves running from this Island in shallops etc. was read the third time with amendments and passed, and consented to by H.E.

A bill to encourage white servants and to ascertain their allowance of provisions and clothes was read three times, passed, and consented to by H.E.

25*l.* paid to Will. Woodhouse, Marshal to the Assembly.

Edmund Bedingfield resigned his employment of Clerk and Register to the Court of Chancery, he being suddenly bound off. Thomas Harison was appointed and sworn in his place.

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The Assembly attending presented to H.E. an Act for the payment of 2,000*l.* ster*l.* to H.E. Ralph, Lord Grey, Baron of Warke, which was read three times, passed, and received H.E.'s consent.

An Act for collecting public arrears was read a third time and passed and consented to by H.E.

Mr. Bedingfield resigning his office of Deputy Secretary and Clerk of the Council, Mr. Skene, the Patentee, was given leave to depute Tho. Edwards to officiate at this Board for him to-morrow, he having some urgent business.

Nov. 18. Bill to ratify Letters Patents, gifts, grants, bargains, sales, conveyances and all other instruments of writing relating to the titles of lands, tenements and slaves and other hereditaments within this Island, was read three times, passed, and consented to by H.E.

The Council desired H.E. would leave H.M. Instructions to him with them, for their better administration of the Government in his absence. H.E. replied that he would leave an authentick copy.

Bill to encourage the Inhabitants to become owners of vessels was read a third time, passed, and consented to by H.E.

Lieut.-Col. George Peers took the oaths appointed as Keeper of the Stores of the Magazine.

Bill to encourage privateers in case of war was read three times, passed, and consented to by H.E.

50*l.* paid to Col. Tho. Maycock, Executor of the Hon. Robert Harrison, for two of his negroes who were executed.

Act to revive and continue an Act to secure the peaceable possession of negroes etc., was read three times, passed, and consented to by H.E.

Ordered that the Excise Act passed yesterday be published by beat of drum in the usual manner in the Bridge Town to-morrow, and by Saturday next at farthest in the other three Towns in this Island in the same manner.

Petition and Address of the Council and Assembly to the King read.

86*l.* 18*s.* 3*d.* paid to Wm. Roberts and Co., for money advanced for servants imported.

Nov. 19. 166*l.* 13*s.* 4*d.* paid to H.E. for rent for his house.

The Pink *Ermin*, John Dorsett, Master, belonging to the subjects of His Most Xtian Majesty being lately brought into this Island, by Col. Richd. Kirby, H.M.S. *Ruby*, under the command of Admiral Benbow, to prevent intelligence, Commdr. Kirby and the Master of the French sloop coming before this Board, the latter was asked by H.E. and this Board whether he had received any damage from Col. Kirby or any of his people, who answered that he had received nothing but very civil usage and treatment from Kirby, but that he missed part of a hhd. of dry goods, wch. his people charged the English seamen withal, but the English seamen do deny that they meddled with it, but charge the same upon the French Carpenter. It was ordered by this Board that if they have any depositions to offer about that matter they should be taken, but the Commander of the

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French ship said that if he had lost anything it was so trivial as not [to] be worth his staying to have it enquired into, and desired he might be admitted to prosecute his intended voyage, which was granted and ordered accordingly. [*And see No. 1009.*] [*C.O. 31, 6. pp. 54-64.*]

- Nov. 20. **1185.** Minutes of Council in Assembly of Barbados. H.E. designing immediately to go off this Island did deliver up to this Board the Seal of this Island, and a Copy of H.M. Instructions and a Commission for trying pirates, and then H.E. embarked himself in order to his departure for England. The President and the rest of the Council, the Secretary, Mr. Skene and his Deputy Mr. Edwards then took the oaths appointed. Proclamation ordered continuing all Ministers of Justices and officers, military and civil, in their respective employments.

Ordered that the President of the Council do sign the copies of the Acts lately passed by H.E., in order to their being published in the Parish Churches.

Writs ordered to be prepared for holding a General Sessions on Dec. 9. [*C.O. 31, 6. pp. 64-79.*]

- Nov. 25. **1186.** Minutes of Council in Assembly of Barbados. Letters from the Council of Trade and Plantations to Governor Lord Grey, July 31, 1701 [*see No. 682*], and Aug. 20 [*see No. 767*], were received and read. As to the first, this Board will take care to observe their Lordships' order, the latter is already provided for by an Act of this Island, Oct. 1692.

The Hon. Richard Downes was sworn Treasurer and Charles Thomas Comptroller.

- Nov. 26. Ordered that all Masters of vessels arriving at this Island, by reason of the distance the President lives from this Town, do forthwith attend the eldest of the Members of the Council then in town, and in case there should not be any Member in Town, then the Master may pay his duty to any Member of this Board who shall live nearest to this town, which shall be sufficient to excuse his attendance on the President. Letters directed to the Lord Grey for H.M. service to be immediately delivered by the person who brings them to the Hon. Col. Richd. Scott, a Member of this Board, one of H.E.'s Attorneys, and that he forthwith give notice thereof to the President, who is desired by this Board to call a Council with all convenient speed in order to the opening the same.

James Hannay was sworn Provost Marshall.

The Hon. James Colleton was appointed Chief Judge and Chairman of the Grand Sessions.

Ordered that henceforth all petitions be heard and determined by the ordinary Courts of Justice and the ordinary Courts of Law, and this Board will hear petitions of grievance at their respective meetings till further orders.

Ordered that the President and five Members of this Board do hold Courts of Error, Chancery, or be a Council to determine all matters that lie before this Board, and in case of any

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extraordinary occasion of the President's absence any six or more Members have the like power, and the eldest Councillor present to preside.

The Council desired and empowered the President to sign all orders and petitions relating to the Court of Chancery causes to a hearing, to the end there may be no failure of justice.

Ordered that the President grant letters of administration etc. and take the probates of deeds etc. and sign despatches for vessels and tickets for persons going off.

Ordered that letters be sent to the absent Members to meet on Wednesday next in order to be qualified to sit at this Board. [C.O. 31, 6. pp. 79-88.]

Dec. 2. **1187.** p. 640. Four lines from bottom. *Add*, Journal of Council and Assembly of Virginia, 1693, 1695, *referred to in* No. 1041.vi. [C.O. 5, 1409. pp. 291-304.]

Dec. 3. **1188.** Minutes of Council of Barbados. Col. Tobias Frere and Michael Terrill took the oaths as Councillors. [C.O. 31, 6. p. 88.]

Dec. 8. **1189.** Minutes of Council of Barbados. 10 barrels of powder ordered for the use of Oistin's Fort.

There being found some inconveniences in the order of Nov. 26 concerning the delivery of Lord Grey's letters, ordered that they be forthwith sent to the President by the person that shall bring them, the same not to be opened till a Council be convened. Lord Grey's letters not for H.M. service to be delivered to one of his Attorneys.

William Rawlin was appointed Solicitor General and took the oaths.

James Colleton, Chief Judge of the Court of Common Pleas, for the precincts of St. Michael, was sworn in the Commission of the Peace, and took the oaths appointed as Chief Judge of the next Court of Oyer and Terminer.

Ordered that the Council sit every Tuesday till further orders. [C.O. 31, 6. pp. 88-91.]

Dec. 16. **1190.** Minutes of Council of Barbados. Ordered that Commissions be drawn out for the officers of the Militia.

John Sharp was sworn as a Searcher of the Customs in the Bridge Town. Book ordered to be kept for entering the names and offices of all persons sworn before this Board.

Proclamation ordered warning the inhabitants of the Town to remove their powder out of their houses, pursuant to an Act of the Island.

There being just suspicion that some negroes are conspiring and plotting mutiny and rebellion, ordered that a Commission issue forthwith to the Colonels and other Field Officers for examination and trial of all guilty and suspected persons according to Law in such cases. Proclamation ordered requiring all Masters, Mistresses and Overseers of houses and families and all constables

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and others to prevent the assembling of negroes and to make search for strange negroes that shall come within plantations or houses, or wandering abroad, or that shall have arms, clubs or other unlawful weapons or instruments in their houses or contrary to an Act of this Island, Aug. 1688, and that the aforesaid persons be charged to do their respective duties appointed by the said Act under the penalties therein expressed, and that all persons do ride armed pursuant to the Act of Oct. 1692, and also that no person presume to sell rum or other strong liquors to negroes according to an Act of the same date.

Ordered that the Justices of the Peace in the Bridge Town do on Thursday next make a private session and call before them all the constables of the Town, and then give them in charge faithfully to do their respective duties.

Ordered that a Presentation for the Parish of St. Joseph be drawn for Samuel Fulwood.

The Assembly was summoned to meet on Tuesday next.

Writ for the election of a Member for the parish of Christchurch in the room of Capt. Richd. Ryecroft, decd., ordered to issue. [*C.O.* 31, 6. *pp.* 91-94.]

Dec. 28.

1191. Minutes of Council in Assembly of Barbados. 69*l.* 15*s.* paid to Samuel Irish for disbursements for the fortifications of St. James and St. Thomas. Ordered that the Commissioners for the Fortifications do forthwith proceed upon putting Needham's Fort in very good repair and upon enlarging the southward line as was agreed to by them at their meeting the President and Council at the said Fort on Dec. 8.

The Assembly attending, the President and Council recommended to them that they prepare a Bill to empower the Constables to levy upon any person who shall omit sending to the watch as they ought to do, that the Town may be the better secured from any Insurrection; that some convenient places be prepared for securing powder in the country, it being dangerous that so great a quantity lie in the magazine so near the Town; that a small nimble vessel be kept in constant pay for the service of this Island; that a Bill be prepared to revive an Act to prevent trading with negroes, and for negroes working out and paying their masters so much a day; that some care be taken to provide for the poor people in the several parishes in this Island, who are reduced to great necessity by reason of the extreme dry weather. The Assembly withdrew.

This Board being informed that some houses in this Town have lately been set on fire, and that it's generally believed and appears by depositions already taken and by some of their own confessions that the same has been wilfully done by negroes, and other conspirators, ordered that if any fire should happen in this Town that a signal be made from James' Fort by firing two guns, which Col. Kirkby, H.M.S. *Ruby*, is desired to observe, and give orders to his own men and likewise to all the other ships in this road to send ashore as many men as they can spare, well armed, who are required to pay all due obedience to such orders

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as Col. Kirkby shall give to them, in order to put out the fire and prevent any insurrection of negroes.

The Assembly attending presented a Bill to revive and continue an Act to prohibit the inhabitants of this Island from employing their negroes and other slaves in buying and selling, which was read three times and passed.

Ordered that Col. Leslie forthwith issue out orders to the several Captains in his Regiment to send out a patrol or patrols every night within their several divisions, as he shall see occasion, and to take particular care that one patrol be every night in the Bridge Town till further orders. Ordered that Lieut.-Col. George Peers likewise give orders to the several Captains under his command to send out six files of men every night as a constant guard to this Town till further orders.

It appearing that in the parishes of St. Phillip and St. Lucy there are several very poor people that are reduced to that extremity of want occasioned through the extraordinary drought, and not being able to subsist without some speedy relief, ordered that a brief be prepared for raising some money for their subsistence. [*C.O.* 31, 6. *pp.* 94-98.]

Dec. 30.

1192. Minutes of Council of Barbados. This day was read a letter from M. De Guitande, Governor of Martinico, Dec. 29, 1701 :—"I address myself to you for justice for the wrong done by the English ship commanded by Capt. Karpy (*Kirkby*) to one of our merchant ships, the *Hermine de Nantes*. I was much surprised to learn on the arrival of the Master of the latter, Capt. Jean Dosset, that having met with Admiral Bembow, he had stopped him and put an English crew on board, who seized and robbed much of his cargo, having kept him till the 1st of this month. This violence done to this French Captain, his detention and the robbery committed on his ship can only be regarded as an act of hostility and a breach of the Treaty of Peace of Ryswick on the part of Admiral Benbow and Capt. Karpy, and it is the more surprising since I have no news from France of war in Europe between the French and English, which makes me beg you to repair the wrong done, both by the robbing of his ship, which amounts to 2,500*l.*, and the delay which amounts to 100 pistoles. I await instructions from France, but if your ships of war continue these acts of violence, I shall not hesitate to make reprisals. Signed, Le Commandant de Guitande.

Mr. Horrey, who brought the above letter, was asked if he had anything further to say. He replied, only to desire an answer to the letter. The President and Board declared to him that they knew nothing to the contrary but that the Peace continued, and that therefore if any of H.M. subjects had done any damage or prejudice to His Most Christian Majesty, the Laws were open etc. (*as in following letter*); and that if it be desired, the depositions of any persons here should be taken on the part of the person pretending to be injured. He said he desired none.

The following answer was then written; President of the Council of Barbados to the Governor of Martinique. I am con-

1701.

cerned to find that the great care taken by my Lord Grey in the matter of the *Hermin of Nantes* is not satisfactory to you and the persons concerned, when his Lordship so readily dismissed the pinck the instant that the matter came before him. *Repeats substance of Minute of Council, Nov. 19, above.* I understand that the French Carpenter is now under confinement, for the theft, at Martinique. What reasons Admiral Benbow and Capt. Kirby had for stopping the pinck, I am not to account for. I know not but that the peace continues, and therefore if any of my Master's subjects here have done any injury to any of the subjects of His Most Christian Majesty the Laws here are open and free to be extended in favour of any of your Master's subjects injured, who shall have all the justice and despatch done them that can be reasonably expected. *Signed, John Farmer.*

Before the foregoing letter was concluded on, H.M. Attorney General was asked what had been the Law, usage or practice in England in cases of this nature, and how and by whom satisfaction was made. He gave as his opinion that if the damage so done was in a general manner and such as that it could not be known certainly who did it, then the publique should repair it, but if it could certainly be knowne who did it, then that person was liable to make reparation, and was subject to be forced by Law to do the same.

Ordered that an account of the matter be sent to the Council of Trade and Plantations per the next ship. [*See Cal. A. & W.I. Jan. 6, 1702.*]

Lieut.-Col. George Peers acquainting this Board that it would be a great hardship upon the Town people to send to the Watch and do duty in his several companies, ordered that they be excused sending to the Watch so long as the Town Companies are continued as a Guard to the Town. Ordered that the Regiment under Col. Tobias Frere go next upon duty as a guard to the Town.

Twelve fuzees ordered for the use of Needham's Fort. [*C.O. 31, 6. pp. 99-112.*]

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| 1865 | 26 | List of Plans annexed to Inclosure Awards, 31 Geo. II.—7 Will. IV.—Calendar of Privy Seals, &c., for Cheshire and Flintshire, Hen. VI.—Eliz.—Calendar of Writs of General Livery, &c., for Cheshire, Eliz.—Charles I.—Calendar of Deeds, &c., on the Chester Plea Rolls, Hen. III. and Edw. I. | C. 3492 | Out of print. |
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